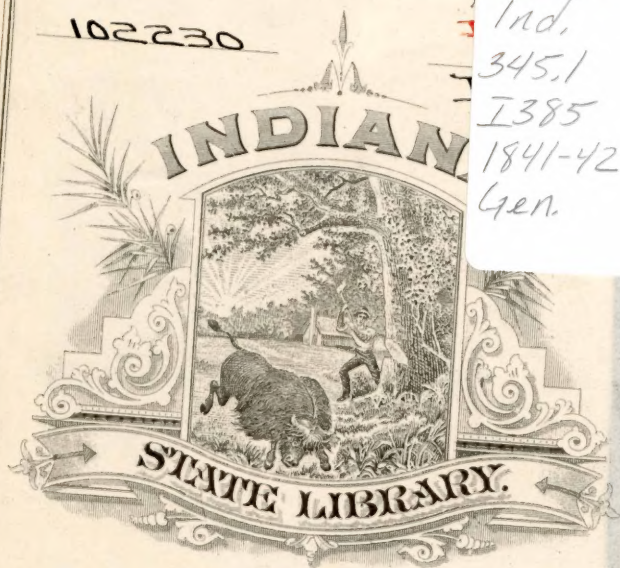


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October 28, 1924

Wm. D. Burford. Linn. 1016.

GENERAL LAWS  
OF THE  
STATE OF INDIANA,  
PASSED AT THE  
TWENTY-SIXTH SESSION  
OF THE  
GENERAL ASSEMBLY.

BEGUN ON THE FIRST MONDAY IN DECEMBER, A. D., 1841.

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By Authority.  
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INDIANAPOLIS:

DOWLING AND COLE, STATE PRINTERS.

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October 28, 1924.

## GENERAL LAWS.

### CHAPTER I.

An Act to provide for the continuance of the construction of all or any part of the public works of this State, by private Companies, and for abolishing the Board of Internal Improvements and the offices of Fund Commissioner and Chief Engineer.

[APPROVED, JANUARY 28, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the unfinished portions of all [or] <sup>Public works surrendered to private companies.</sup> of any one or more of the works of Internal Improvement, contemplated by an act, entitled an act to provide for a general system of Internal Improvements, approved January 27, 1836, and the several acts supplemental thereto, and amendatory thereof, are hereby surrendered and granted, by the State of Indiana, to such association or associations as may hereafter from time to time bring themselves within the provisions of this act, together with all and singular the rights of way, fixtures, water power, boats, cars, toll houses, and other appendages of said works, including depots and lands held by the State for that purpose, and also the right of demanding and receiving tolls and rents for the same, and all the privilege of constructing the said works and repairing the same, and the right of condemning the right of way, and materials for constructing or repairing said works to the same extent and in the same manner that the said State now holds or may exercise such rights, by virtue of the acts above referred to in this section.

SEC. 2. That whenever any number of persons may <sup>Governor to</sup> wish to associate themselves together for the purpose of appointing <sup>Commissioners to</sup> constructing any of said public works or any part thereof, <sup>receive sub-</sup> according to the provisions of this act, it shall be the duty <sup>scriptions of</sup> of the Governor, upon the written application of three or <sup>stock.</sup> more persons, free-holders and citizens of this State, specifying in said application the particular work or part of a work the contemplated association wish to undertake, to appoint three or more suitable persons as commissioners

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to receive subscriptions of stock for continuing the construction of said work or part of a work, who shall be paid a reasonable compensation for their services, by said company: *Provided*, That in case application is made for more than one association, that such application as proposes to construct the longest continuous line of any unfinished work shall be preferred.

Books to be opened.

SEC. 3. Said commissioners shall, within thirty days after their appointment, at such time and place, and in such manner as they may designate, open books for the subscription of stock, and they shall previously give public notice of the same, by publication in three newspapers, most convenient to such place. The said commissioners shall determine what sum shall constitute a share in the stock of said association; and the point or points at which books shall be opened, and the time they may be continued open for the purpose of receiving subscriptions of stock. And in case more stock is subscribed for than is necessary to complete the work proposed by said association, the commissioner shall apportion the same by deducting the excess from the largest subscription so as to make them equal as near as may be.

Stock apportioned.

Election of Directors.

SEC. 4. As soon as the sum of ten thousand dollars shall be subscribed, (in addition to any real estate subscribed as stock,) as the capital of said association, and such an amount thereof shall have been paid in to said commissioners as shall have been required by them, then said commissioners shall order an election for directors of said association, to be held at some convenient place, at such time as they shall designate, giving thirty days notice thereof in at least three public newspapers printed nearest to the route or routes of the work or works such association are about to undertake; which publication shall be paid for by said company.

SEC. 5. Said commissioners shall preside at said election, which shall be held open between the hours of 11 o'clock, A. M. and 4 o'clock, P. M., of said day, and shall receive, and after the voting is closed, shall open and count the ballots, and shall declare who have been duly elected directors.

Quorum. Vacancies.

SEC. 6. A majority of said commissioners shall be a quorum for the transaction of all business required to be jointly transacted by them under this act, and all vacancies in their number shall be filled in the same manner the original appointment is made.

Directors, number of.

SEC. 7. The directors of such association shall be thirteen in number, seven of whom shall, at all times, constitute a board for the transaction of business, and the acts of a majority of the board assembled shall bind said asso-

ciation; all vacancies occurring therein may be filled by a majority of the directors, and the person thus appointed shall continue to serve until a new board is chosen and organized. Vacancies, how filled.

SEC. 8. At all elections for directors the persons having the highest number of votes, according to the number to be chosen, shall be declared duly elected directors of such association; and in voting for directors each stockholder in person, or by proxy appointed under his hand in writing, shall be entitled on the shares then owned and held by him, to one vote for each share to the number of ten, and for every five shares above that number to one additional vote; but no stockholder, after the first election held under the direction of said commissioners, shall be entitled to vote unless the stock, by which he claims to vote, has been owned and held by him sixty days prior to the time of such election, and no president, director or other officer of said company shall vote at any election of directors as agent, attorney, or proxy of any stockholder. Rules in voting for directors.

SEC. 9. Each stockholder who has subscribed real estate as stock in said association shall be entitled to vote in such election for directors, and said commissioners in estimating the shares of such stockholder for the purpose of determining how many votes he shall be entitled to, shall estimate his real estate at one dollar and twenty-five cents per acre; and at all subsequent elections such stockholder shall vote as other stockholders on the number of shares his real estate counts at its appraised value, as hereinafter provided for. Regulations in voting, by virtue of stock subscribed in real estate.

SEC. 10. Said board of directors first chosen according to the provisions of this act shall meet at such time and place as may be designated by said commissioners, whose duty it is to give said directors notice thereof, not more than thirty days after said election; said directors shall appoint one of their number as president of said board, and they shall also appoint a secretary and treasurer of said board, whose duties, terms of service, and compensation shall, from time to time, be regulated by said board. First meeting of directors.

SEC. 11. Before said board shall proceed to exercise any further powers, intended to be conferred by this act, they shall, in conjunction with the commissioners aforesaid, make out and certify under their hands a full and complete statement of all their respective actings and doings in the premises, and shall accurately specify therein the name assumed by said association, and shall cause the whole to be recorded at length by the secretary of the board in a book to be provided and kept for that purpose, which, or a sworn copy thereof, shall be evidence of the matters and things therein contained, in all courts of justice in this Appointment of President, Secretary and Treasurer.

Acts of Board to be recorded, &c.



Copy filed in  
office of Sec-  
retary of State.

Governor issue  
proclamation.

No work to  
be taken un-  
der this act,  
before first of  
April, &c.

Governor, &c.  
form board to  
receive propo-  
sals.

Rights, &c.,  
when to vest  
in the associa-  
tion.  
Corporate  
powers.

Proviso.

State; and said board shall cause a full and complete copy thereof to be made out by their secretary, to be certified by him under oath, which shall be deposited in the office of Secretary of State at Indianapolis.

SEC. 12. Immediately after said copy shall be deposited in the office of the Secretary of State, if the Governor shall be satisfied therefrom that the provisions of this act have been substantially complied with, by said commissioners and board of directors, he shall forthwith issue his proclamation thereof under the seal of the State, and shall cause the same to be published in the weekly newspapers printed at Indianapolis, for three weeks successively, which publication shall be paid for by said company. No association or company shall under the provisions of this act, be entitled to take any one or any part of the public works, in this bill referred to, until the first day of April next, and not until the intention of the State to let or sell her public works to companies shall have been first advertised, for one month, in the Journal of Commerce, a paper printed in the city of New York; and the Governor shall, after having caused said publication, together with the Treasurer and Auditor of State, form a board to receive proposals from companies or individuals, to take said work or works, and on the first day of April next, or at a suitable period afterwards the Governor shall appoint commissioners on behalf of the association which is preferred, who, shall receive subscriptions of stock as has in this act been provided.

SEC. 13. As soon as proclamation shall be made as above required, all the rights, privileges, franchises and immunities intended to be conferred by this act, shall vest as fully and completely in said association as if the same had been granted and established by a public act of incorporation for that purpose; and said association, in its proper name assumed as herein provided, shall continue for the term of fifty years; shall have power to contract and be contracted with; to sue and be sued; plead and be impleaded in all courts of law and equity; and maintain and defend all actions, suits, complaints and pleas as any other corporation; to make and use a common seal and alter the same at pleasure; to hold, purchase, sell, lease and convey real estate as the purposes of said association shall require, within the purview of this act; and do all other acts and exercise all such powers as may be essential to the object of such association; but no such association shall exercise any powers in addition to the powers enumerated and given in this act, except such powers as are necessary to the exercise of such enumerated and given powers; *Provided*, however, that at the expiration of the fifty years for which

this charter is to run, said works shall not revert to the State until the State shall refund to such company the money actually expended on such works by way of construction, and the amount paid by the association for State Bonds without interest.

SEC. 14. Said commissioners, as soon as the first board of directors of such association is organised, shall forthwith deliver over to said board the subscription books of stock, and shall pay over also to the order of said board all moneys received by them on such subscription.

SEC. 15. The board of directors of every such association shall continue in office for the term of one year, and until a new board is chosen and organised.

SEC. 16. The first board of directors, at their [first] meeting after proclamation shall have been made, as provided in the preceding twelfth section, shall fix the time for the next annual election of directors, not more than one year from the time of such meeting; and all subsequent elections for directors shall be held annually thereafter.

SEC. 17. One month's previous notice for the election of directors, at each annual election, shall be given in two public newspapers, on the route of such work; or if none is published thereon, then in two newspapers printed the nearest thereto.

SEC. 18. If any annual election shall not be held for directors, on the proper day fixed for holding the same, it shall be held at some early day, to be appointed by the directors then in office, giving the same notice thereof as is day given for elections regularly held.

SEC. 19. Said board shall have power to supply vacancies in the office of secretary and treasurer of said association; to meet from time to time, as may be expedient; to adopt such rules and regulations, and make such by-laws as, in their judgment, the business and affairs of the association may require, and which are necessary to perform the duties and carry out the powers granted by this act; to appoint such subordinate officers, engineers, artists, agents, and workmen as shall be necessary to exercise the business of the association; to demand at such time, and in such proportion, as they shall see fit, the sums of money due by the stockholders on their respective money subscriptions of stock, under pain of forfeiture of the shares of their stock, and all previous payments thereon, to the said association, or to sue therefor, and recover the amount due in an action of assumpsit, at their option; to issue proper certificates of stock to the stockholders, and determine in what manner and under what restrictions their shares of capital stock shall be transferable; to fix the compensation and prescribe the duties of the several officers

Subscription  
books, &c. to  
be delivered to  
directors.

Term of office  
of directors.

Annual elec-  
tion of direc-  
tors.

Notice of  
election.

Election not  
held on regu-  
lar day, may  
be on another  
day.

Powers of the  
board of direc-  
tors.



and agents in the employ of the association; to require such bonds, obligations, and securities of the secretary, treasurer, and other officers of the association, as may be judged necessary; to open, and continue open as long as necessary, books for the subscription of additional stock in said association; to acquire, purchase, sell, lease, and dispose of real estate for the use of the association, for the purposes, and in the manner hereinafter described; to decide upon all locations of the work or works undertaken by said association, and establish and construct depots, toll-gates, toll-houses, machine-shops, and all other necessary structures, fixtures, and machinery and apparatus; to order, and cause to be made, all surveys, estimates, and lettings of works, at such times and places as they may determine; to prescribe such forms of contract, rules, regulations, and specifications for the performance of work, as they may judge proper; to enter upon and take possession of any lands and streams of water, which may be necessary for the construction of any such work, and to make the same available; to regulate the time and manner in which all cars, boats, craft, vehicle, travel and property shall pass on said work or works; to hold, use, lease, and occupy, any water power, depots, toll-gates, toll-houses, machine-houses, ware-houses, structures, fixtures, apparatus, or machinery, the association may receive from the State, under the provisions of this act; to make, construct, complete, and keep in constant repair, the work or works granted and surrendered to such association, by the provisions of this act, and on account of which such association may have been formed; to establish and collect the amount of tolls and transit duties for travel or transportation; to make and declare, (deducting costs and charges,) a dividend of clear profits and income of said work or works and appurtenances, among the stockholders, at such times as may be deemed expedient; and do all other necessary and proper acts in accordance with the intent and meaning of this act.

Office.

SEC. 20. Such board shall have a public office on or near the route of such work.

Association to be governed by laws now in force.

SEC. 21. In the construction of such works, and in carrying out the provisions of this act, said associations shall in all respects be governed, so far as the same can be made applicable, by the laws now in force concerning the prosecution of said works.

Journal, &c. to be kept.

SEC. 22. The board of directors shall cause a fair journal of all their proceedings to be kept, and also a just account of the capital stock and property of every description, and of all moneys received from every source whatever, and of all moneys disbursed to be entered in full on

their books, open to the inspection of the stockholders.

SEC. 23. It shall be lawful for such association to acquire, hold, and convey real estate for the following purposes: First, such as may be taken in subscription for stock.—Real estate may hold for certain purposes. Second, such as may be necessary for the accommodation and transaction of the business of the work. Third, such as may be mortgaged in good faith, by way of security, for moneys due the association. Fourth, such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its necessary dealings. Fifth, such as the association shall purchase at sales under judgments, decrees, or mortgages in its favor. Such association shall not purchase, hold or convey real estate in any other case, or for any other use or purpose.

SEC. 24. All conveyances, leases, and transfers of real estate, to and from said association, shall be in the name of the president and directors thereof. All conveyances, leases, and titles from the association, shall be sealed with the seal of the association, signed by the president and countersigned by the secretary. Conveyances, how made.

SEC. 25. So soon as the board of directors of such association shall be organized, and such association be fully constituted, under the provisions of this act, it shall be the duty of the officers and agents of the State having charge of such work or works, to deliver to the board of directors copies of the surveys, maps, profiles, and estimates of the same, in possession of such agents, so far as the same may be required to be furnished by such board, for which such officers and agents shall be allowed a reasonable compensation, to be paid by such association. Surveys, maps &c. to be furnished by agents of State.

SEC. 26. The board of directors shall fix the amount of tolls and transit duties upon all boats, vessels, crafts, vehicles, teams, animals and cars, used in conveying property, merchandise, and effects, on and along any such work, procured, constructed, used, and occupied by such association, under the provisions of this act, and also on all property, merchandise, and effects transported on and along the same. The said association may, when the work undertaken by them is a rail road, use its own cars alone for transportation, or it may permit such to be owned and used by others. Rate of tolls, how fixed.

SEC. 27. Lists of the rate of tolls and transit duties of every kind, shall be made out by the secretary, as fixed by the board of directors, and shall be set up in the office of the board, and in each of the business places, ware-houses, cars, boats, and toll-gates of the association in use on the route of said work, and no other higher rate of tolls or transit duties shall be charged and taken by any of the officers of said association, unless the same has been alter- List of rates to be set up in office, &c.



ed by the board of directors, and the list thereof set up as in this section provided, at least three months prior to the time of charging and taking the same.

Penalty for exacting more than legal toll.

SEC. 28. If any officer or agent of said association shall violate the provisions of the last preceding section, by exacting any greater amount of tolls or transit duties than he might lawfully exact, he shall forfeit and pay, for every such violation, to the owner of the property or person aggrieved, three times the amount of the sum unlawfully exacted, to be recovered in any court of competent jurisdiction.

Stock may be subscribed in labor, &c.

SEC. 29. Stock may be subscribed in any such association in labor, materials or services, to be paid on such terms and conditions as may be agreed upon with the board of directors.

Statement to be made by a person subscribing real estate.

SEC. 30. Any person subscribing stock in such association in real estate shall state in writing his residence, the description and quantity of land by him subscribed, the county in which it is situated, together with an abstract of his title, which shall be signed by such person; but no real estate shall be put in as stock which does not lie in this State.

Title papers to be deposited in Recorder's office.

SEC. 31. As soon as the board of directors are completely organized and empowered to transact business for such association, they shall give notice to the subscribers of stock mentioned in the last section, who shall within thirty days thereafter deposit their title papers for [the] real estate thus subscribed, in the recorder's office of the county in which such subscription was made, and take from the recorder two receipts therefor, one of which they may retain and the other shall be within said thirty days delivered to the said board of directors.

List of lands forwarded to Treasurer of State.

SEC. 32. The board of directors shall cause an accurate list to be made out of all lands which they find to have been subscribed as aforesaid, and forward a copy of the same to the Treasurer of State.

Governor shall appoint appraisers, &c.

SEC. 33. The Governor as soon as required by the board of directors, shall appoint three suitable persons, not stockholders of such association, nor interested directly or indirectly in said work, to appraise the real estate thus subscribed, who shall respectively take an oath, before some competent officer, to discharge their duties faithfully, impartially, and to the best of their judgment and ability; a copy of which oath, certified by the officer administering the same, shall be transmitted to the Governor, whose duty it shall be to give immediate notice thereof to said board of directors, who shall be paid a reasonable compensation for their services by said company.

List of lands

SEC. 34. Said board of directors as soon as notified that

said appraisers are prepared to enter upon their duties, shall deliver over to them a list of said lands, together with the abstracts of title furnished by said subscribers to the commissioners aforesaid. to be furnished appraisers.

SEC. 35. Said appraisers shall record in two several books, to be kept by them for that purpose, the authority by which they act, and the oath they have [taken] as endorsed thereon by the officer administering the same; they shall examine the titles of said subscribers, and if satisfied with the validity and correctness of the same, shall appraise said lands at their fair cash value at the time, and shall enter in the books aforesaid the description and quantity thereof, the amount per acre at which it is valued; the name of the owner, the place of his residence; and when the whole is completed the same shall be signed by said appraisers and deposited, one copy with said board of directors, and the other with the Treasurer of State. Duty of appraisers.

SEC. 36. As soon as said appraisal is completed and filed with the board of directors, as required in the preceding section, the secretary of the board shall give written notice to each of said subscribers of the value at which his land thus subscribed is appraised. Secretary to give notice, &c.

SEC. 37. Each of said subscribers shall within twenty days after receiving such notice, severally convey all his interest, title, claim and demand in such land subscribed by him, by a good and sufficient title to the president and directors aforesaid, for the use of said association, to be disposed of in the manner and for the purposes specified in this act. Subscribers to convey, &c.

SEC. 38. If any of such subscribers shall fail to convey as aforesaid, or otherwise to satisfy the board of directors in this behalf, such subscriber shall be bound to pay his share of the expenses in and about appraising said land, to which said association may have been put; and when the same is truly made out and presented to him by the Treasurer, if he shall fail or refuse to pay the amount on demand, the same shall [be] recovered by the association in an action of assumpsit, together with ten per cent. damages thereon. Penalty for failing to convey.

SEC. 39. As soon as any subscriber shall have executed a conveyance to said association as above required, the title papers deposited with the recorder of the proper county shall be delivered over to the board of directors. If any subscriber shall fail to convey as herein required, the fact shall be certified by the secretary of the board to the proper recorder as soon as such subscriber shall have paid the costs and expenses required to be paid by him, in the preceding section, and the said recorder shall then return to such subscriber his title papers aforesaid. Title papers to be delivered to directors.  
Recorder to return papers, &c.  
Recorder's fees.



the certificates required to be given by said recorder to persons who have subscribed real estate stock, and deposited the requisite deeds with said recorder, he shall be entitled to receive from such persons ten cents for each tract of land specified in said certificate; and it shall be the duty of said recorder to keep and preserve said deeds and title papers, to be disposed of as herein required.

SEC. 40. At any time before any scrip shall have been issued on the lands thus conveyed to such association said board of directors may compound, arrange, or settle such real estate subscription with the person subscribing the same, in such manner, in whole or in part, as said board of directors may judge most beneficial to the interests of the association.

SEC. 41. As soon as the board of directors shall have obtained the requisite conveyances of the land thus conveyed as stock, they shall make out a correct list thereof, verified by the secretary of the board, and cause the same to [be] filed in the office of the Treasurer of State, and shall also procure and keep in their office, proper lists, maps, and descriptions of said tracts of land, for the inspection of all persons wishing to examine the same.

SEC. 42. The land thus subscribed and conveyed, shall be subject to taxation, as the property of the association, as other lands; but the stock based thereon shall not be subject to taxation, until the land is conveyed away by the association; and until it is thus conveyed, the person owning such stock, shall pay on demand, to the association, the amount of tax assessed on such land against said association, and on failure to pay the same, it may be recovered by the association, as other dues are recoverable, by an action of assumpsit, in any court of competent jurisdiction.

SEC. 43. The board of directors shall cause such books of entries and registers to be kept as shall be necessary for the correct transaction of the business of the company, in which it shall be particularly their duty to cause to be noted all transactions respecting the operations of the association, in the prosecution of the work under its control, and all issues of scrip as hereinafter provided for, and all entries of the land belonging to said association.

SEC. 44. As soon as the requisite conveyances shall be perfected of the real estate stock to said association, the board of directors shall issue certificates of stock, to the amount of the appraised value thereof, to the subscribers of such stock as in other cases.

SEC. 45. The stock of the stockholders of said association shall be considered personal property, and may be sold on execution issued against the stockholders as other

Board may compound with real estate subscribers.

List of lands to be filed in office of Treasurer of State, &c.

Tax on land.

Books of entries, and registers to be kept.

Certificates of real estate stock to issue.

Stock to be considered personal property.

personal property, and transferred on the books of the company by the officer selling the same in the same manner that the same could be transferred by the owner thereof, and when such transfer shall have been legally made, if the execution defendant shall refuse to transfer and deliver the certificate of said stock to such purchaser, it shall be the duty of the board of directors to make and deliver to such purchaser a new certificate thereof.

SEC. 46. When any real estate shall have been subscribed as stock, in any such association, and shall have been conveyed thereto as herein provided, such board of directors shall issue, from time to time, on such real estate in payment for labor and services performed and materials furnished on account of such work, an amount of scrip of denominations not less than five dollars, equal in all to the appraised value of such real estate so conveyed as aforesaid, specifying in such scrip the amount for which it is issued, and that it is receivable from the holders in the entry and payment of the lands thus conveyed to such association, in the manner in this act specified; *Provided* however, that nothing in this act shall be so construed as to confer on any such association any banking powers.

SEC. 47. Said scrip shall be signed by the president of the board and attested by the secretary; and before issued shall be endorsed by the Treasurer of State, and the amount and number registered by him in a book provided for that purpose: *Provided*, such endorsement shall in no way bind the State of Indiana to redeem the same; and the amount of which scrip in all shall not exceed the amount of the appraised value of such lands: whenever the amount of scrip signed by the said Treasurer of State shall be equal to the aggregate appraised value of such land, he shall give notice thereof to said board of directors, and shall not endorse or register any more thereof. And all scrip issued by any such association according to the provisions of this act shall constitute in the hands of the holders thereof, a lien upon every part and parcel of such real estate subscribed and conveyed as stock as aforesaid, except such parts and parcels thereof as have been or may thereafter be entered and paid for in scrip as herein provided; and such lien shall have preference over all debts mortgages, judgments, liabilities and other liens of whatsoever date and character, against any such association.

SEC. 48. If any officer of said association shall issue or put in circulation any of said scrip until the same shall be endorsed by the Treasurer of State as above required, or otherwise than in payment for work done or materials furnished for the proper work, he shall be deemed guilty of forgery, and upon conviction thereof shall be imprisoned

Scrip to be issued.

Proviso.

Signed by the President, and endorsed by Treasurer of State.

Proviso.

Scrip to be a lien on the lands.

Penalty for issuing scrip not endorsed by Treasurer.



ed at hard labor in the state prison for not less than one nor more than seven years.

**Lands subject to entry.** SEC. 49. Such board of directors shall hold all such lands subscribed as stock and conveyed as aforesaid, subject to entry by the holders of said scrip, and shall have power to determine the size of the tract or tracts of land subject to such entry, and such scrip shall not be otherwise redeemable than in payment for said lands.

**Duty of Secretary and Treasurer to make entries, &c.** SEC. 50. Upon any person holding such scrip making application, at the office of said board of directors, to the secretary and paying to the treasurer an amount of such scrip equal to the appraised value of the tract of land he wishes to enter, the said secretary and treasurer shall make such entries and certificates thereof as are now required to be made by the registers and receivers of United States land offices, the secretary performing the duties of register and the treasurer of receiver.

**Deed.** SEC. 51. Upon the presentment to the president and secretary of such board of a certificate of such secretary, that the person named therein has entered and paid for in such scrip the tract of land specified in said certificate, it shall be the duty of said president and secretary to execute and deliver to him a good and sufficient deed therefor, conveying to such person any such tract or tracts of land free from any claim, interest or demand thereon, of the said association or any of the stockholders thereof, which deed shall vest said land in such grantee in fee simple to him, his heirs and assigns forever; a registry of which deed shall be made and kept by said secretary in the office of said board for the inspection of all persons wishing to enter lands thus held by the association.

**Scrip not to be re-issued.** SEC. 52. As such scrip is thus received from the holders thereof by the said board, it shall be the duty of the secretary to record the numbers, date and amount thereof, a copy of which statement shall be transmitted to the Treasurer of State; the scrip shall be cancelled in the presence of the board of directors at the next meeting after it has been received; no scrip thus redeemed shall be reissued, but shall be returned to the Treasurer's office and by him destroyed, and be entered on the register.

**Compensation of State Treasurer.** SEC. 53. Said Treasurer of State shall receive for his several services under the provisions of this act a reasonable compensation, to be paid by the said association.

**Turnpikes may be finished as clay roads.** SEC. 54. Any company or association undertaking the construction or completion of any turnpike or McAdamized road, or any part thereof, forming a part of the general Internal Improvement system, may complete the same as a clay or McAdamized turnpike road at its option, without refunding to the State the amount in bonds that may

have been expended by the State on any such work; *Pro-* *Provido.*  
*vided* no such company or association shall be permitted to take or receive any portion of any turnpike or McAdamized road that is now finished, and so of associations formed for the completion of unfinished portions of any other work contemplated by this act, until paid for as provided by this act.

SEC. 55. That any association formed under the provisions of this act, upon surrendering to the State an amount in state bonds, which have been heretofore issued by the State, and which were sold according to law, for a valuable consideration, equal to the amount which has been expended on any work, the unfinished portions of which have been surrendered and granted by this act, and undertaken by such association, shall be entitled to the parts thereof which have been completed by the State, with all the privileges, rights, water powers, toll-houses, gates, and appurtenances thereto, in any way belonging, with all and singular the boats, cars, houses, machinery, and apparatus belonging to the State on said work, in as full, ample and complete manner as now held, used and occupied by the State, to be held, used, occupied, controlled, managed and enjoyed by said association as long as it continues to exist, and subject to the same rights, restrictions, regulations, franchises, privileges and immunities to which the parts of such work finished by said association are subject: *Provided*, that any company or companies, association or associations, may take the Central Canal north of Indianapolis, and the Erie and Michigan Canal, without being required to pay in State Bonds or otherwise any sum or sums of money heretofore expended by the State upon said Canals.

SEC. 56. That said state bonds shall be considered surrendered when such company shall deliver the same to the Treasurer of State to be cancelled; the bonds thus delivered to the Treasurer of State, shall be cancelled and filed away by the Treasurer in his office.

SEC. 57. Until any such association becomes the owner of the finished portion of such work, it shall still progress to the completion of the unfinished portion in whole or in part, as speedily as its means will enable it, and when ten miles shall be constructed and completed, in addition to the part already finished by the State and continuous thereto, such association shall be allowed to receive from the State out of the rents and profits arising to the State from the State's part of the work, the increased tolls and transit duties thereon, deducting all expenses; that is to say, the said association shall receive all the tolls, water rents, duties and rents derived from all such work in use,

Company entitled to the finished portion of any work, by a surrender of bonds equal to the cost.

Bonds, when considered surrendered, &c.

Net receipts above those of 1841, to be paid to company.



deducting therefrom the expenses of repair, and all other expenses incident to the use of such work, and an amount equal to the net receipts therefrom for the year 1841; but such association may collect tolls on any portion of the work finished by itself: *Provided however*, that in the year 1846, the whole net receipts on the whole work or works shall be again ascertained, and the State, if continuing to hold an interest in the same, or any company or individual, who may have purchased the interest of the State in any work or works, by paying state bonds for the same or otherwise, shall at that time and ever afterwards, be entitled to a full share in all the said receipts, and in proportion as the length of the work done by the State as equitably measured, shall bear to the work when completed. *Provided further*, That if said association, after the completion of the first ten miles, shall not complete ten additional miles of such work every two years thereafter, it may be lawful for any other association, organized under this act, to proceed in the completion of the unfinished portion of such work, and in such case said last mentioned association shall receive of the said increased tolls and water rents in proportion to the distance of such work finished by said association; and said last mentioned association shall be under like obligations to progress with the construction of said work, or another association may be organized in like manner, and be entitled to share in the said increased tolls in proportion as the part finished by said last mentioned association bears to the parts finished by the other two, and so on *ad infinitum*: *Provided further*, that nothing in this act contained shall prevent any company from undertaking and completing the road from New Albany to Jeffersonville, and from erecting toll-gates thereon, and regulating tolls thereon as is in this act provided.

In 1846, net receipts to be again ascertained.

Proviso.

A part of any work may be purchased.

SEC. 58. That in case any such association shall not wish to purchase from the State in the manner above provided any one entire work, still the said association, or any individual, individuals, or corporate company, shall have power to purchase from the State an interest in any one work or part of a work, by surrendering to the State in state bonds heretofore issued, all or any portion of the amount which the State has expended in the construction thereof, by means whereof such association, corporate company, individual or individuals, as the case may be, shall be entitled, if such association or corporate company then during its existence, if an individual, to him his heirs and assigns forever, subject in all cases to the restrictions and limitations of this act, to such an interest in such work or part of a work, as the amount in bonds surrendered

bears to the amount expended on such work or part of a work, bearing a rateable proportion of all costs and charges incident to such work, and shall receive of the tolls to which the State is entitled under this act in like proportion.

SEC. 59. Whenever any interest shall be acquired in whole or in part in any of the works of this State, finished or unfinished, the extent, terms and conditions thereof, shall be specified in writing in duplicate and signed by the party or association interested therein, and by the Treasurer of State, one copy of which shall be filed and recorded in the office of the Secretary of State, and the other delivered to the other party executing the same.

Terms, &c., of any interest acquired to be in writing, &c.

SEC. 60. It shall be the duty of the agent having charge of any public work on the part of the State, and in her name, to vest annually the net proceeds arising from the State's part of the work, in payment of stock in such association, as may be completing the balance of such work. Such stock shall be held in the same manner, and on the same conditions, as stock is held by individuals; and such agent shall report annually to the Treasurer of State, the amount of stock thus subscribed and vested by him.

Profits of the State in any work to be vested in stock.

SEC. 61. It shall be lawful for any county, within this State, to take stock in such association; and for this purpose the several boards doing county business, are hereby empowered to subscribe therefor, and to levy a tax as for county purposes, not exceeding one dollar on every hundred dollars of assessed property, to be applied to such object; and the county shall hold such stock as individual stock is held in such association.

Counties may take stock.

SEC. 62. That if any such association shall not commence operations within the meaning of this act, within one year from the time it is organized, it shall forfeit all rights, privileges, and franchises it may have acquired under this act.

Rights forfeited, when.

SEC. 63. As many such associations may be organized under the provisions of this act, as will undertake to prosecute and complete any part of the unfinished portions of the public works, embraced in the general system of internal improvements in this State. Any such association being organized for the purpose of completing any specific work shall not be supplanted therein by any other association, company, individual, or individuals, unless it shall appear to have abandoned the prosecution thereof as specified in this act.

As many companies may be formed as will complete the system, &c.

SEC. 64. The State of Indiana, through the legislature thereof, shall have the privilege, at any time after twenty years, to purchase from any such association, the entire interest such association may have acquired under the

Right reserved to the State.



provisions of this act, by refunding to such association the full amount actually expended thereon by such association, with interest at the rate of six per cent. per annum thereon, from the date of such expenditure, first deducting from said six per cent. all net amount of revenue received by any such association.

Board of Internal Improvement, &c. abolished.

SEC. 65. *Be it further enacted*, That the board of Internal Improvement, the office of Fund Commissioner, and the office of Chief Engineer are hereby abolished, and the term of service of each of these officers shall cease from and after the last day of February, 1842.

Commissioner on Wabash and Erie, and Michigan Canals.

SEC. 66. There shall be a commissioner elected by joint ballot of both branches of the present General Assembly, who shall serve as such for the term of three years, from and after the first day of the present session of the General Assembly, and until a successor shall be duly elected and qualified, and who shall receive as a compensation for his services, the sum of one thousand dollars annually, during the time he shall continue in office, to be paid out of the proceeds of the Wabash and Erie canal: *Provided*, That said commissioner may be removed, at any time, by a joint resolution of the Legislature.

Duty.

SEC. 67. It shall be the duty of the said commissioner to take charge of the Wabash and Erie canal, east of Lafayette, and the Erie and Michigan canal, and perform all duties in relation thereto, that the present board of internal improvements or any member thereof is, by the laws as now in force, required to perform.

Agent of State.

SEC. 68. There shall be an agent of the State elected by joint ballot of both branches of the present General Assembly, who shall serve as such, for the term of two years from and after the first day of the present session of the General Assembly, and until a successor is elected and qualified; and shall receive as a compensation for his services, the sum of twelve hundred dollars and travelling expenses annually: *Provided*, That said agent may be removed at any time by a joint resolution of the Legislature: *Provided further*, That whenever the place of any officer or agent created by this act, shall from any cause be or become vacant, and this General Assembly or other proper authority cannot immediately act for the filling of the vacancy, then it shall be the duty of the Governor, by appointment of some suitable person to immediately fill the same.

Compensation.

Duty.

SEC. 69. It shall be the duty of said agent to do all acts and perform all duties now required of the fund commissioner, except that he shall not have power to execute, sell, deliver or hypothecate state bonds for any purpose.

Authorized to

SEC. 70. The said agent is authorised in addition to

the other powers given him to dispose of all or any of the debts due the State on account of the system of internal improvements, and of any or all property or securities held by the State on account of bonds heretofore sold, on such conditions as he may deem for the interest of the State, and to arrange, compromise and settle the amount of the suspended debt or any part thereof: *Provided*, That said agent shall not apply any other funds in payment or liquidation of any such bonds other than may be realized, from such property or securities held by the State on account of said bonds, in cash or state bonds.

dispose of debts due the State.

SEC. 71. The Legislature shall elect by joint ballot of both houses an agent for the Madison and Indianapolis railroad, one for the White-water canal, and one for the New-Albany and Vincennes road, who shall receive for their services two dollars per day for every day they may be engaged, to be paid out of the proceeds of tolls and rents derived from the works of which they are respectively agents.

Agents of Madison Railroad, White Water Canal, and Vincennes Road.

SEC. 72. Said agents shall superintend their respective works and be governed in all respects as previous agents have been governed; the agent of the Madison and Indianapolis railroad shall attend to the running of the cars on said road; the transportation of produce; receiving tolls, rents and duties; shall keep said road in repair; employ such artists, workmen and agents as shall be necessary; shall pay them such compensation as may be reasonable, out of the proceeds of said works; and do all other acts and things necessary for the object of said road.

Their duties.

Duties of Agent of Madison road.

SEC. 73. The agents having charge of the White Water canal and the New-Albany and Vincennes road shall in like manner take charge of said works respectively, managing and controlling the same as fully and completely in all respects, with reference to their peculiar interests and demands, as is required of the agent of the Madison and Indianapolis railroad.

Duty of Agents of White Water Canal, and Vincennes road.

SEC. 74. Such agents shall take an oath of office, and shall give bond with sufficient security, to be approved by the Treasurer of State, in the sum of twenty thousand dollars, conditioned for the faithful discharge of their duties; they shall settle annually on the first Monday of October with said Treasurer and pay over to him all moneys in their hands derived from said works, being the net proceeds derived therefrom, unless required to be subscribed as stock as herein provided.

Oath and bond

SEC. 75. Said agents shall continue in office two years, subject to removal at any time by the legislature. *Provided*, agents are necessary for any other work than those above enumerated, the Treasurer of State shall appoint

Term of office.

Proviso.



the same and allow them a reasonable compensation for their services to be paid in like manner.

The finished portion belonging to the State to be placed under control of the Company.

Proviso.

Oath and bond of Commissioner of Wabash and Erie Canal.

Treasurer, &c. to revise acts of directors.

Proviso.

Shall appoint Agent.

SEC. 76. That so soon as any association shall have been organized under the provisions of this act, and shall have finished ten miles in a continuous line, [of] the [un] finished portion of said work which such association has undertaken to complete, the finished portion of said work belonging to the State shall be placed under the control of said company, and the agent in the foregoing section named shall be discharged: *Provided*, The said association shall secure to the State the tolls to which she is entitled under this act, on the conditions herein provided, and also keep said road in repair. The State having the power at any time to reinstate the said agent and discharge said company from the control of such finished portion.

SEC. 77. The commissioner on the Wabash and Erie Canal shall take an oath of office, and shall give bond to the State in the penal sum of fifty thousand dollars, to be approved by the Treasurer of State, conditioned for the faithful discharge of the duties of his said office, and for paying over to the proper authority all moneys which may come to his hands as such commissioner; said commissioner shall settle with the Treasurer of State and pay over to him all moneys in his hands, in the same manner and at the same time that the officer now required to perform the same duties is required to make settlement annually with the Treasurer of State on the first Monday in December, and shall pay over to said Treasurer of State all moneys remaining in his hands, being the net proceeds derived from said Canal.

SEC. 78. The Treasurer, Secretary, and Auditor of State shall constitute a board, who shall once in two years, revise and regulate the acts of the directors of such associations, fixing the rates of tolls and water rents upon the works or parts of works finished under the provisions of this act, as well as such parts as have been finished by the State. *Provided*, The said board shall not fix the tolls and water rents at a less rate than the tolls and water rents on works similarly situated in other States.

SEC. 79. Said Treasurer, Secretary and Auditor shall appoint a suitable person as agent on behalf of the State to take charge of the works, materials, instruments, property of the State on or connected with the public works, water power, and rents which do not fall within the care and duties of the previous named agents; said agent shall take care of the interests of the State in the works, property and rights of the State named in this section; shall act under the supervision of the officers by whom he is appointed, and shall receive for his services the sum of

two dollars per day for every day he is actually employed in the services aforesaid.

SEC. 80. That it shall be lawful for any company of individuals, to associate themselves together under the provisions of this act for the construction of improvements at the Grand Rapids of the Wabash river.

SEC. 81. Nothing in this act shall be so construed as to authorize the formation of any company, for the completion of the White Water Canal, or any part thereof, or in any manner to affect the act passed at the present session of the General Assembly, to incorporate the White Water Valley Canal company.

SEC. 82. That the provisions of this act shall be made to extend to the organization of a company with similar powers for the purpose of constructing a lateral branch from Shelbyville, the county seat of Shelby county, to some point of intersection with the Madison and Indianapolis railroad.

SEC. 83. It shall be lawful for the Richmond and Brookville Canal company, at any time after complying with the requisitions of this charter (at their pleasure) to prosecute said Canal to completion, under the provisions of this act, in all respects as heretofore provided.

SEC. 84. That hereafter the Cross Cut Canal and the southern division of the Central Canal from the Newbury feeder to Evansville, shall be considered one continuous line and shall be known by the name of the Wabash and Ohio Canal.

SEC. 85. The Legislature reserves the right to alter, amend, or repeal this act whenever two thirds of the members of both branches of the Legislature shall concur therein. *Provided*, no act altering, amending, or repealing this act shall take effect until the State shall pay said association the amount which such association has expended in the construction of said work, and in the purchase of state bonds, with six per cent interest thereon.

SEC. 86. This act to be in force from and after its passage, and be taken and deemed a public act, and shall be liberally construed.

Rapids of the Wabash.

White Water Canal, not affected by this act.

Lateral branch Railroad from Shelbyville.

Richmond and Brookville Canal Company.

Name of Cross cut and southern division of Central Canal.

Right to amend reserved.



## CHAPTER II.

A Joint Resolution requiring the State Agent to give an official bond, and to take an oath of office.

[APPROVED, JANUARY 31, 1842.]

Oath and bond.

*Be it resolved by the General Assembly of the State of Indiana,* That Michael G. Bright, who has been elected State Agent, before he enters upon the discharge of the duties of his office as such agent, shall be required to take an oath of office before some judge of the circuit or supreme court of this State; and also, to give a bond payable to the State of Indiana, in the penal sum of fifty thousand dollars, with security to the approval and satisfaction of the Governor and the Treasurer of State; which bond shall be conditioned for the faithful discharge of all the duties required of him by law.

## CHAPTER III.

An Act relative to the duties of the State Agent.

[APPROVED, JANUARY 31, 1842.]

Agent of State shall institute suit, &c.

SEC. 1. [*Be it enacted by the General Assembly of the State of Indiana,*] That it shall be the duty of the agent elected to take charge of the suspended debt, to examine the testimony taken by the investigating committees of the two houses at the present session of the General Assembly, and institute in the name of the State, such suits, as it may appear to him can be sustained against the officers and their securities, and other persons, corporations or agents connected in any manner with the state system of internal improvement, or which may have been shown to have purchased the bonds of the State. He shall also give such directions in the further prosecution of any pending suits as he may conceive the public interest may require: *Provided,* That if any of the officers or companies shall, within a reasonable time, settle to the satisfaction of such agent, and make good all liabilities and dues to the State, such agent may forbear bringing or further prosecuting the said suit or suits.

Report to General Assembly.

SEC. 2. Said agent shall report to the next General Assembly, his proceedings in relation to the duties herein

required, together with a statement of the funds sought to be collected, and the prospect of the final recovery of the same. Such agent may, in addition to his own professional services, employ such further counsel as may be required by the interest of the State, for all which, a reasonable compensation shall be allowed. May employ counsel.

SEC. 3. That in any suit that may be commenced by said agent in the State of Indiana, he shall have the right to take a change of venue on making suggestion to the court, before which such suit or suits may be commenced, that he verily believes the State will not receive a fair trial in such case before such court, or in the county in which such suit or suits may be commenced. May take change of venue.

## CHAPTER IV.

An Act to prevent the further sale, or hypothecation of Indiana State Bonds, by any Fund Commissioner or other agent of the State.

[APPROVED, JANUARY 27, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That no Fund Commissioner or other agent of the State, shall hereafter be authorized or allowed, under any circumstances whatever, to sell, hypothecate or make any transfer of any state bond, or bonds whatever; and that any person or persons who may hereafter purchase, receive in hypothecation, or otherwise, from any such Fund Commissioner or other agent, any such bond or bonds, shall thereby have no lien upon the State of Indiana, or upon any of her rights or credits, but shall be left to look for payment entirely and exclusively, to said Fund Commissioner or other agent, in his or their individual capacity. Sale of bonds forbid

This act to be in force from and after its publication in the Indiana Journal and State Sentinel.



## CHAPTER V.

An Act for the completion of the Wabash and Erie Canal, from the mouth of Tippecanoe river to Terre Haute.

[APPROVED, JANUARY 1, 1842.]

Location adopted.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the final location of the Wabash and Erie canal, made during the past season from Lafayette to Terre Haute, by William J. Ball, be, and the same is hereby adopted, subject to such slight deviations as may be deemed advisable by those under whose charge the work may be constructed.

Work to be placed under contract.

SEC. 2. That the commissioner having charge of the Wabash and Erie canal, be authorized, and it is hereby made his duty, to place under contract, on or before the first day of June next, a portion of said canal, in one continuous line, commencing at Lafayette; the aggregate of said contracts not to exceed in cost, one half the estimated value of the lands selected, or to be selected and sold to pay for the construction thereof. Public notice of such contracts to be given by said commissioner for a period of sixty days previous thereto, and which notice shall fully notify all bidders, of the means provided for the payment of such contracts: *Provided*, That the contracts shall not exceed the average estimates made and reported by the locating engineer; and *Provided further*, That the acting Commissioner is hereby authorized to let so much of said canal as is authorized to be put under contract by this section to any company, at a price not to exceed the estimates made by the locating Engineer above referred to.

Proviso.

Treasurer of State to issue canal land scrip.

SEC. 3. That in payment for the construction of said canal, and for all contingent expenses thereon, the Treasurer of State, at periods and to such an amount as may be required for completing said canal, shall issue canal land scrip, of the denomination of five dollars, made receivable at the land office of the Wabash and Erie canal (without interest) in payment for any portion of the lands selected by the State for the continuation of said canal west of the Tippecanoe river, under the act of Congress of second of March 1827, and confirmed to the State by an act of Congress of February 1841: said scrip to be signed by said Treasurer, and to be numbered and registered by him in a book, or books to be kept by him for that purpose; and said scrip shall be paid out by the said Treasurer, on the draft of the constructing Commissioner, accompanied by the estimate of the Engineer: *Provided*, That the

amount of scrip so to be issued by the said Treasurer shall not exceed the aggregate valuation of said lands: *Provided further*, That nothing in this act contained shall be so construed, as to make the State of Indiana liable in any event to pay the amount of canal land scrip by this act authorized to be issued, or any part thereof; but that all persons receiving and holding such scrip, shall look to the proceeds of the canal lands in said act mentioned, for its redemption, and to no other source; and moreover, that the State shall not be liable for any expenses incurred, in the location, or prosecution of said canal in any manner whatever.

State not liable for the scrip.

SEC. 4. That it shall be the duty of the commissioner of the Wabash and Erie canal to offer at public sale, at the canal land office at Peru, Miami county, Indiana, on the first Monday in October 1842, such portion of said lands belonging to this part of the Canal, amounting to one third of the whole quantity selected; offering the whole in each township where any is offered; the payments to be made in current money, or in the canal land scrip before provided for; the terms of payment to be one fourth down, and the balance in three equal annual instalments, with six per cent. interest payable one year in advance, on the balance remaining unpaid. And such of said lands so offered as shall remain unsold at the close of the public sale, shall thereafter be subject to private entry, at the minimum prices affixed, and upon the same terms as are provided for the public sale.

A portion of the lands to be sold in 1842.

SEC. 5. That before any of said lands shall be offered for sale, the said commissioner shall examine personally, or by an agent, each tract, and shall class them in three classes in proportion to their actual value, having regard to situation, soil, and other advantages, the minimum price of the first class to be five dollars, of the second class three and a half dollars, and of the third class two dollars per acre; below which valuation the said lands shall not be sold.

Lands to be classed.

SEC. 6. That a set of land office books shall be provided by said commissioner having charge of the land office, in which each tract shall be entered in its proper class, and with the rated price, and full accounts shall also be kept of the tracts sold and of each payment thereon; and for each tract sold, said commissioner shall issue the usual certificate, which shall form a sufficient evidence of title, until the land is fully paid for, when a patent shall issue therefor to the purchaser from the office of the Secretary of State.

Tract books to be made out.

Certificate and patent.

SEC. 7. All books, certificates, and other papers having relation to these lands shall be kept separate and dis-

Books, &c. kept separate



from those relating to lands east of Tippecanoe river, so as to be readily distinguished from those relating to the lands belonging to the canal east of the Tippecanoe river.

Lands to be selected in lieu of pre-emption rights

SEC. 8. That it shall be the duty of said commissioner to ascertain, as soon as practicable, the particular tracts of land heretofore selected which the State is rightfully required, under the law of Congress, to relinquish to the pre-emption claimants; and in lieu of said tracts he shall select such other lands as the interest of the State may require, agreeably to the law of Congress on this subject.

Settlers to be compensated for improvements.

SEC. 9. That all persons who may have made an actual settlement, prior to the first of December 1841, or who may be settled on any lands hereafter to be selected, on any of the lands which may be offered for sale under this act, shall be entitled to compensation from the purchaser for their improvements made on said lands, agreeably to the provisions of an act entitled "An act for the relief of settlers on the Wabash and Erie canal lands," approved, February 24, 1840, which act is extended to these lands in all its provisions, limitations and requirements.

A portion of the lands to be sold in 1843 and 1844.

SEC. 10. That it shall be the duty of the commissioner aforesaid, to offer at public sale, at the canal land office aforesaid, on the first Monday in October 1843, one other third of the said lands so belonging to this portion of the Wabash and Erie canal, and on the first Monday in October 1844, the said commissioner shall offer the residue of said lands at public sale in the same manner, and upon the same terms, and subject to the same provisions in every respect as is provided for by the fourth section of this act; and any money which may at any time be received in payment for such lands, shall be applied exclusively to the redemption of the canal land scrip aforesaid: *Provided*, That the Treasurer of State shall have power to apply, out of the first moneys received, such sum as may be necessary to carry into effect the provisions of this act, for which no higher allowance shall be made in proportion, than for executing the late issue of treasury notes; nor shall the State be subject to any charge for the expense of issuing said scrip, but the same shall be defrayed out of the Wabash and Erie canal funds.

Money received for lands to be applied to redemption of scrip.

Proviso.

Further lettings.

SEC. 11. That it shall be the duty of the commissioner aforesaid, on the first Monday of May in the year 1843, to place under contract in one continuous line, commencing where the last contracts terminate, the residue of said canal, not provided for being put under contract by the second section of this act, and in so doing to be in all respects governed by the provisions of the said section of this act: *Provided, however*, That in the acceptance of the grant of said lands on the part of Indiana, for the purposes

State does not guaranty the

specified in this act, it is the express understanding on the part of the State of Indiana, between the contracting parties, and it is hereby enacted, that should said grant of lands not be sufficient to complete the construction of said canal, and defray all other expenses connected therewith, the citizens of this State shall not be taxed in any way or manner to make up the deficiency necessary to complete said canal or any part thereof, any law that may hereafter be passed to the contrary notwithstanding, except however, in the counties through which said canal may pass; who may by petition, or otherwise have a law passed levying a tax on their citizens, from time to time, to make up any deficiency there may be to finish such canal, after the proceeds of the grant of lands are exhausted in such construction.

SEC. 12. This act shall be in force from and after its passage.

## CHAPTER VI.

An Act to provide for the election of a Commissioner on the Wabash and Erie canal, west of the Tippecanoe river.

[APPROVED, JANUARY 24, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be elected by joint ballot of both houses of the General Assembly, a commissioner who shall have charge of the Wabash and Erie canal west of the Tippecanoe river, for and during the term of two years, and until a successor is elected and qualified; *Provided*, That in case of a vacancy by death, resignation, or otherwise the Governor shall appoint a commissioner who shall serve until the meeting of the next Legislature, and until a successor is elected and qualified.

SEC. 2. That said commissioner when so elected, shall have the general superintendence and control over the construction of said canal west of Tippecanoe river, and shall do and perform all things required to be done as commissioner by the provisions of an act entitled "an act for the completion of the Wabash and Erie canal west of Tippecanoe river," approved, January 1, 1842; and the said commissioner shall be governed in all things, not provided for in this act, or in the act above referred to, for the completion of the said canal west of Tippecanoe river, by the



Engineer and laws heretofore in force in relation to the construction of the said canal west of Tippecanoe river; and the said commissioner shall have power to appoint an engineer who shall have power to appoint such assistants as may be found necessary, not exceeding one; said engineer shall receive for his services, the sum of one thousand dollars per annum and no more; and said assistant shall receive a sum not to exceed eight hundred dollars per annum.

Compensation of Commissioner.

SEC. 3. That the said commissioner shall receive a per diem compensation of two dollars and fifty cents for each and every day necessarily employed by him in the discharge of his duties as commissioner aforesaid; which sum shall be in full compensation for all services rendered, and expenses incurred by said commissioner, except a reasonable allowance for clerk hire.

Salaries, &c. how paid.

SEC. 4. The salaries of the aforesaid officers, and all the expenses by this act incurred, shall be paid out of the canal scrip authorized to be issued for the completion of said canal west of Tippecanoe river.

Oath and bond of Commissioner.

SEC. 5. That the commissioner aforesaid shall, before entering upon said office, take an oath faithfully to discharge the duties thereof, and shall execute his bond to the Treasurer of State with one or more sufficient securities, in the penalty of ten thousand dollars, conditioned for the true and faithful performance of all the duties which may devolve on him by virtue of his said office of commissioner.

SEC. 6. This act shall take effect and be in force from and after its passage.

## CHAPTER VII.

An Act to provide for the preservation of the southern end of the southern division of the Central Canal.

[APPROVED, JANUARY 29, 1842.]

Board of Commissioners of Vanderburgh county to take charge of Canal.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board of commissioners of the county of Vanderburgh be, and it is hereby authorized to take charge of the southern end of the southern division of the Central canal extending from Evansville to and including the feeder dam, on Pigeon creek, to repair any breaches in said canal, and keep it in order for navigation, and to charge such tolls thereon, as said board may think expedient and proper according to such order as shall be made

by said board on that subject; and said board of commissioners is hereby authorized to adopt such rules and regulations for the government and management of said portion of said canal, as it may think expedient and proper, not inconsistent with the laws of this State; and shall also have power to sue for, collect and receive any fines, forfeitures, or tolls for the benefit of said board; which suits shall be by action of debt in the name of the State, for the benefit of said board.

SEC. 2. The said board of commissioners shall have power to employ and appoint such agent or agents in the management of said canal as may be thought advisable and expedient, and the same to remove at pleasure, and shall have the entire benefit of the proceeds of said canal with all the privileges and immunities belonging thereto, until the same shall be again claimed by the State, or some company chartered and organized by the authority of the State, and until all expenses incurred by said board shall be refunded with six per cent thereon from the time of disbursement, deducting the amount of tolls collected and received on said canal.

SEC. 3. The State of Indiana by her agent, or by any chartered company organized for the purpose of taking and completing said canal, under the authority of the State, shall have power to take charge of and receive the profits of said canal, on paying to said board of commissioners, the amount by it expended, according to the provisions of the second section of this act, and thereby extinguish all claim of said board of commissioners to said canal.

SEC. 4. *Be it further enacted*, That the board of commissioners of the county of Warrick shall be permitted if it chooses to take an equal interest in the management of said canal, by notifying the board of commissioners of Vanderburgh county of such intention at its first meeting after the taking effect of this act, in which case, each of said counties shall bear an equal burthen, and be entitled to equal benefits resulting from said canal under the foregoing provisions of this act.

SEC. 5. This act to be in force from and after its passage.

May employ agents.

The State, or a company may take charge of the canal, on certain conditions.

Warrick county may have an equal interest, &c.



## CHAPTER VIII.

An Act to authorize the leasing the water power at the town of Pittsburgh, Carroll county, and for other purposes.

[APPROVED, JANUARY 31, 1842.]

Side cut at Delphi to be extended.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the commissioner or other person having charge of the Wabash and Erie canal on or before the first day of April next, to let by contract to the lowest bidder the construction of an extension of the side cut at the said town, from the termination of the present side cut to the donation of land made by Daniel F. Vandeventer to the State, for the purpose of extending and increasing the water power and the facilities connected therewith at the said town.

Lettings to be advertised.

SEC. 2. That before letting the said work, the said commissioner or other person shall advertise the same in the newspapers published in said county, for at least thirty days previous to the said letting, specifying the terms and conditions, and also the time and place at which the same will be made, and in all things to be governed by the provisions of the laws now in force relative to the letting of public works.

Water rents pledged for the payment of the work.

SEC. 3. That for the purpose of paying the contractor or person who performs the work by this act authorized, the water rents which may be received by the State for water power below the present termination of the said side cut, are hereby pledged, and as fast as the said rents are received by the agent of the State, they shall be forthwith paid over to the said contractor, and the said contractor shall look to no other fund or source whatever for his pay: *Provided*, That after the work above specified has been performed by the said contractor and estimated, it shall be the duty of the said commissioner to give the said contractor written evidence of the States' indebtedness.

Water power to be leased.

SEC. 4. That as soon as the work aforesaid is let to some responsible contractor, it shall be the duty of the said commissioner or other person to proceed to lease out a portion of the water power on the extension of the said side cut at prices fixed by law, or at prices which have heretofore been paid for water power under similar advantages.

Advertisement to be made.

SEC. 5. That before leasing any portion of the said water power, it shall be the duty of the said commissioner or other person to advertise the time, and also the terms, conditions, and limitations upon which the said water

power will be leased in the newspapers published in the said county, for at least two months before the time aforesaid.

SEC. 6. That it shall be the duty of the said commissioner or other person before leasing any portion of the said water power to procure by gift or purchase such land as may be necessary for the State to own for the purpose of realizing the benefits and provisions of this act, and if the same is acquired by purchase, the said agent shall in no case pay a higher or greater price for such land, than what the State has paid for land under similar advantages for similar purposes, and in either case, to obtain from the donor or grantor a deed or conveyance in fee simple to the State for the said land.

SEC. 7. This act to be in force from and after its passage.

## CHAPTER IX.

An Act supplemental to the act entitled "an act providing for the selecting, rating, and selling lands yet due on the Wabash and Erie canal east of the mouth of Tippecanoe river, and for other purposes," approved, Feb. 24, 1840.

[APPROVED, JANUARY 13, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That from and after the first day of February next, the lands of the Wabash and Erie canal, east of the mouth of Tippecanoe river, and heretofore classed as by law provided, shall be subject to entry and sale, as follows, to-wit: the lands of the first class at five dollars per acre, the lands of the second class at three dollars per acre, and the lands of the third class at two dollars per acre: *Provided however*, That the provisions of this act shall only apply to such of said lands as have previously been offered for sale.

SEC. 2. This act shall be in force from and after its passage.



## CHAPTER X.

An Act extending the provisions of an act entitled "an act for the relief of the settlers on the Wabash and Erie canal lands, approved, February 24, 1840.

[APPROVED, JANUARY 31, 1842.]

Law of 1840,  
extended.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of the act entitled "an act for the relief of the settlers on the Wabash and Erie canal lands," approved, Feb. 24, 1840, are hereby extended in all their bearings and benefits, to the first day of January, one thousand eight hundred and forty two.

Operation con-  
fined.

SEC. 2. This act shall be in force from and after its passage, and be confined in its operations to lands properly applicable to the Wabash and Erie canal east of the mouth of Tippecanoe river.

## CHAPTER XI.

An Act authorizing the sale of the sixth chain reservation of land bordering on the Wabash and Erie canal.

[APPROVED, JANUARY 29, 1842.]

Lands to be  
classed.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the land bordering on the Wabash and Erie canal known as the sixth chain reservation as has not heretofore been relinquished to the Miami Indians, each tract shall be classed and appraised at its true value by the commissioner of the Wabash and Erie canal as is provided by law for the appraisement and classification of Wabash and Erie canal lands, and shall during the year 1842, be offered for sale in the usual manner of selling canal lands; but in no case shall such lands be sold for less than their appraised value, and shall first be offered at public sale at the same time that is provided by law for the sale of lands selected for the extension of the Wabash and Erie canal west of the mouth of the Tippecanoe river.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER XII.

An Act to amend an act entitled "an act to authorize the payment of contractors on the Wabash and Erie canal, east of the Tippecanoe river," approved, February 15, 1841.

[APPROVED, JANUARY 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the certificates, drafts, or evidences of debt issued by the board of Internal Improvement, or acting commissioner, in favor of contractors for work done, or being done, on the Wabash and Erie canal, east of the Tippecanoe river, shall hereafter be receivable in payment for principal and interest due on canal lands, sold since January 1840, east of Tippecanoe river.

SEC. 2. That it shall be the duty of the said board, or the acting commissioner of the said canal, upon the application of any holder of said certificates, drafts or other evidences of debt to give in exchange for any of the same, any number of certificates of smaller amounts, the aggregate of which shall not exceed the amount of the certificates so exchanged for such smaller ones, all of which shall bear interest from the day of the date of the first certificates.

SEC. 3. That the commissioner of the Wabash and Erie canal east of Lafayette be, and he is hereby authorized to use the tolls, and if they should not be sufficient, then to issue like certificates as heretofore provided for, to repair any breach or breaches on said canal, and to make such repairs as may be necessary for the protection and preservation of said canal.

SEC. 4. This act to take effect and be in force from and after its passage.

## CHAPTER XIII.

An Act for the relief of the owners of Wabash and Erie canal lands.

[APPROVED, JANUARY 26, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That for any failure which may have heretofore occurred, or which shall hereafter occur, on the part of any owner or owners of the Wabash and Erie canal



lands east of the mouth of Tippecanoe river, to meet the annual payment of interest on the balance of the purchase money due the State from such owner or owners of said lands, the penalty shall be only ten per cent. on the amount of interest which may be in arrears and unpaid.

Repeal.

SEC. 2. That so much of the law now in force in relation to the payment of interest on said lands as imposes a penalty of one hundred per cent. for any failure to pay said interest at the time it becomes due be, and the same is hereby repealed.

This act to take effect and be in force from and after its passage.

#### CHAPTER XIV.

An Act providing for classing and selecting the lands not yet offered for sale belonging to the Wabash and Erie canal, east of the Tippecanoe river.

[APPROVED, JANUARY 22, 1842.]

Lands to be  
classed and  
their rates.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That so soon as the Congress of the United States shall confirm to the State of Indiana the title to the land selected in the year 1840 in lieu of the 24,290 acres taken out of the canal tier of sections, by the Indian reserves, the commissioner having charge of the Wabash and Erie canal lands, shall proceed by himself or agent to examine personally said lands, and shall class them in three classes as heretofore, having regard to their value, taking into view their soil, situation and other advantages. Those lots placed in the first class to be rated at five dollars per acre; those placed in the second class, at three dollars and fifty cents per acre; and those placed in the third class at two dollars and fifty cents per acre. And said commissioner shall cause to be made the necessary tract books, maps &c., of said lands, which shall be placed in the canal land office at Peru.

Lands to be  
offered at pub-  
lic sale.

Terms of pay-  
ment.

SEC. 2. Said commissioner shall offer at public sale at the land office in Peru the whole of said lands, commencing on the third Monday in October 1842, to be sold to the highest bidder; but no tract to be sold at less than its rated value. The terms of the sale to be one fourth down, one fourth in a year thereafter, and the balance in ten years from the time of sale, with interest on the unpaid balance,

to be paid annually in advance at the rate of six per cent. per annum. The canal land certificates, or scrip issued in payment for work on the Wabash and Erie canal east of the Tippecanoe river, shall be received in payment for principal and interest on said lands.

SEC. 3. So soon as all the lands classed as aforesaid shall have been offered to the highest bidder, at the sale aforesaid, the residue which shall then remain unsold, shall be subject to entry as was provided for in the fifth section of the act regulating the former sales of canal lands, approved, February 24, 1840, at the rated prices as classed and stipulated in this act.

Lands subject  
to entry after  
public sale.

SEC. 4. All expenses properly incurred under this act, to be paid out of the proceeds of said lands.

Expenses,  
how paid.

SEC. 5. This act to take effect and be in force from and after its passage.

#### CHAPTER XV.

An Act relative to water power at the town of Delphi, Carroll county.

[APPROVED, JANUARY 20, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the engineer or other person having charge of the Wabash and Erie canal on or before the first day of May next, to let by contract to the lowest bidder the clearing out and removing all obstructions from the bayou which extends from the canal, at the said town, to the Wabash river, for the purpose of creating water power upon the said canal at that place.

SEC. 2. *Be it further enacted*, That said engineer or other person, before letting the said work, shall give public notice of the terms, conditions, and also the time of the said letting, by publishing the same in the newspapers printed in the said county for two months, at least, previous to the time of the said letting: *Provided*, That the said work shall be finished within six months from the time of the said letting.

Notice of let-  
ting to be  
given.

SEC. 3. *Be it further enacted*, That the said engineer, or person having charge of that part of the canal, shall cause the work to be estimated when the same is completed, and shall give to the person doing the same, a draft or other evidence of indebtedness, specifying what the

Work to be  
estimated and  
paid for in  
water rents.



same was given for, and the amount due him as by the said contract; and for the purpose of paying for the said work, the rents that may be received by the State for water power created by this act, shall be appropriated to that purpose, and to no other purpose; and the person or persons doing the said work shall look to the said rents for their pay and to no other source whatever; and as fast as the said rents may be due and received, they shall be expended in paying for the said work until the whole amount is paid.

Water power  
to be let.

SEC. 4. *Be it further enacted*, That so soon as the said work is let to some responsible person, it shall be the duty of the said engineer or other person to lease out a portion of the water power by this act created, not exceeding in all what will be sufficient to propel thirty run of stones, at the same prices, and upon the same terms and conditions as water power, under similar advantages, is leased at other places upon the said canal. And it is made the duty of the said engineer or other person, before leasing the same to give at least two months notice of the time, terms and conditions upon which the same will be leased, in the newspapers published in the said county.

Notice.

Real estate for  
sites to be  
purchased.

SEC. 5. *Be it further enacted*, That it shall be the duty of the said engineer or other person as the agent on behalf of the State, for the purpose of securing to the State the advantages by this act contemplated, to purchase of the owner or owners of the land lying adjacent to the place where the said water power is to be located, such real estate not exceeding in all four acres, as may be necessary to carry into effect the provisions of this act, at such reasonable prices as may be agreed upon by the said agent and the owner or owners thereof; and in case of disagreement, at such prices as may be fixed by persons chosen by the said agent and the said owners: *Provided*, That in no case shall the prices paid by the State for such land exceed what has heretofore been paid for such property, under the same or similar advantages; and for such real estate so purchased, the said agent shall take a conveyance to the State, by deed in fee simple: *And provided further*, That nothing in this act contained shall be so construed as to authorise any interference whatever, with the navigation of said canal.

SEC. 6. *Be it further enacted*, That this law shall be in force from and after its passage.

## CHAPTER XVI.

An Act to change the time of holding courts in Jay county.

[APPROVED, JANUARY 24, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the circuit court of Jay county shall be held <sup>When to be</sup> on the Mondays succeeding the courts in the county of Blackford, and shall sit two weeks if the business require it.

SEC. 2. All writs, subpoenas, venires, rules, orders of court, recognizances, and all publications and process whatsoever, which may have issued from the circuit court in said county, since the last sitting thereof, or which may hereafter issue previous to the taking effect of this act, shall be deemed and taken, and are hereby made returnable on the first day of the term to be holden by virtue of this act; and all pleas, complaints, prosecutions, recognizances, actions, motions, rules, or other proceedings, which are or hereafter shall be pending prior to the taking effect of this act as aforesaid, shall be taken up and acted upon at the time of such court, to be holden under this act, and be disposed of in the same manner as if no alteration had been made in the time of holding such court.

Writs, &c. re-  
turnable.

SEC. 3. This act shall take effect and be in force from and after its passage; and it shall be the duty of the Secretary of State forthwith to transmit a certified copy thereof to the clerk of the circuit court of said county.

## CHAPTER XVII.

An Act fixing the time of holding courts in the first judicial circuit.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the courts in the first judicial circuit shall be holden on the following days and times, to wit: In the county of Tippecanoe, on the last Mondays in February and August; in the county of Benton, on the Mondays succeeding the courts in Tippecanoe county; in the county of Warren, on the Thursdays succeeding the courts in the county of Benton; in the county of Montgomery, on the

Times of hold-  
ing Courts in  
the first cir-  
cuit.



Mondays succeeding the courts in the county of Warren; in the county of Clinton, on the Mondays succeeding the courts in the county of Montgomery; in the county of Fountain, on the fourth Mondays of May and October. The said courts at each term thereof, in the county of Tippecanoe shall sit eighteen days, if the business require it. The courts in the counties of Fountain and Montgomery shall sit twelve days each, if the business require it. The courts in the county of Warren shall sit nine days at each term thereof, if the business require it. The courts in the county of Clinton shall sit six days at each term thereof, if the business require it. The courts in the county of Benton shall sit three days at each term thereof, if the business require it.

Provisions  
where courts  
clash.

SEC. 2. Whenever it shall happen that the days fixed by law for the holding of the sessions of the courts doing county business shall fall within the periods prescribed by this act for the holding of the sessions of the circuit courts, then the sessions of the courts doing county business shall be accelerated to the Monday previous to the sittings of the circuit court, and when it shall so happen that the times fixed by law for the sessions of the probate court shall fall within the periods prescribed by this act for the session of the circuit court, then the sessions of the probate court shall be postponed to the Monday subsequent to the time hereby fixed for the termination of such circuit court.

Return of pro-  
cess.

SEC. 3. All process made returnable unto any of the circuit courts of the respective counties aforesaid to the times heretofore fixed for holding of the sessions thereof, shall be, and the same are hereby declared and made returnable to the first days of the terms of said court as fixed by this act; and all parties, persons and officers are hereby required to take notice of the changes of the terms of the boards doing county business, and probate courts which may be produced, and all the transactions of business, and the discharge of all duties, official or personal, shall be accelerated or postponed to the time or times to which, by this law, the times of such courts may be accelerated or postponed.

Repeal.

SEC. 4. All laws and parts of laws coming in conflict with this, be, and the same are hereby repealed.

SEC. 5. This act to be in force from and after the passage thereof, and shall be published in the Indiana Journal and State Sentinel; and the Secretary of State is required to forward copies of this act, to the clerks of the respective counties in said judicial circuit forthwith after the passage thereof.

## CHAPTER XVIII.

An Act to amend an act regulating the times of holding the circuit courts in the second Judicial circuit of this State, approved, Feb. 10th, 1841.

[APPROVED, DECEMBER 29, 1841.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the first section of the act above mentioned, as provides for the holding of a term of the circuit court in the county of Washington on the second Monday in June, in each year be, and the same is hereby repealed. Repeal as to  
June term in  
Washington  
county.

SEC. 2. That when there are five Mondays in March, or September, the court shall sit eighteen days, if the business require it. Length of  
term in said  
county.

SEC. 3. This act to take effect and be in force from and after its passage.

## CHAPTER XIX.

An Act fixing the time of holding Courts in the fourth Judicial Circuit, and for other purposes.

[APPROVED, JANUARY 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the time of holding the courts in the fourth Judicial Circuit, shall hereafter be as follows: In the county of Dubois, on the third Mondays in February and August; in the county of Pike, on the fourth Mondays in February and August; in the county of Gibson, on the first Mondays of March and September; in the county of Posey, on the second Mondays of March and September; in the county of Vanderburgh, on the fourth Mondays of March and September; in the county of Warrick, on the third Mondays of April and October; in the county of Spencer, on the fourth Mondays of April and October; in the county of Perry, on the first Mondays succeeding the courts in Spencer county; and in the county of Crawford, on the Mondays succeeding the courts in Perry county. And the said circuit courts shall sit in each of the counties of said circuit six days, if the business require it, except in the county of Vanderburgh, in which the court shall sit Fourth cir-  
cuit.



eighteen days, and in the county of Posey twelve days, if the business in said counties require it.

Process.

SEC. 2. All process made returnable to any of the circuit courts aforesaid, at the times heretofore fixed for holding the session thereof, shall be returnable to the first days of the terms of said courts, as fixed by this act. And all the transactions of business, and the discharge of all duties, official or personal, shall be postponed or accelerated to the times to which by this law the terms of said courts are respectively postponed or accelerated.

Petit jury.

SEC. 3. That hereafter, in the fourth Judicial Circuit, there shall be drawn, empaneled, and summoned but one petit jury of twelve men, for each week of the circuit court in each county.

Repeal.

SEC. 4. All laws and parts of laws coming within the purview of this act be, and the same are hereby repealed.

SEC. 5. This act to take effect and be in force from and after its passage, and its publication in the Indiana Journal.

## CHAPTER XX.

An Act to fix the time of holding the Marion Circuit Court.

[APPROVED, JANUARY 29, 1842.]

Court, when to be held.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Marion circuit court shall hereafter commence its session on the second Monday in June and December in each and every year, and shall sit as long as the business thereof shall require it.

SEC. 2. This act to be in force from and after its passage, and a copy thereof shall be filed in the office of the Secretary of State.

## CHAPTER XXI.

An Act amending an act entitled "an act to authorize the payment of contractors on the Wabash and Erie canal east of the mouth of Tippecanoe river," approved, February 15, 1841.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the land certificates issued by Jesse L. Williams, commissioner of the Wabash and Erie canal, under the law of last winter, and all checks, drafts, certificates, and other evidences of debt, given to contractors, labourers, and other persons, by the proper officer or officers, on account of the construction of said Wabash and Erie canal be made, and are hereby made, receivable on all debts due the State, for principal and interest on canal lands sold, and that may be hereafter sold, east of the mouth of Tippecanoe river.

Certificates, &c. receivable for interest, &c.

SEC. 2. This act to be in force from and after its publication in the Indiana Journal, and State Sentinel.

## CHAPTER XXII.

An Act to change the time of holding the circuit court in Madison county.

[APPROVED, JANUARY 4, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the circuit court of Madison county shall commence its sessions on the fourth Mondays in February and August annually, and shall hold its sessions for six days.

Time of holding the court.

SEC. 2. Whenever it shall happen that the day fixed by law, for the holding of the sessions of the courts doing county business shall fall within the periods prescribed by this act for the holding of the sessions of the circuit courts, then shall the sessions of the courts doing county business be accelerated to the Monday previous to the sittings of the circuit court; and when it shall happen that the times fixed by law for the sessions of the probate court shall fall within the period prescribed by this act for the session of the circuit court, [then the sessions of the probate court] shall be postponed to the Monday subsequent to the time hereby fixed for the session of said circuit court.

Provision where courts clash.



Process.

SEC. 3. All process made returnable to said court, to the times heretofore fixed for the holding of the sessions thereof, shall be, and the same are hereby declared, and made returnable to the first days of the terms of said court, as fixed by this act; and all parties, persons, and officers are hereby required to take notice of the changes of the terms of the board doing county business, and probate court of said county, which may be produced by this act; and all the transactions of business, and the discharge of all duties, official, or personal, shall be accelerated, or postponed to the time or times fixed by this act, the times of such courts may be accelerated or postponed. This act to be in force from and after its passage, and the same shall be published in the Indiana State Sentinel. And it is made the duty of the Secretary of State immediately after the passage of this act to transmit a copy of the same to the clerk of said circuit court, and the same shall be filed in the office of the clerk of said court.

## CHAPTER XXIII.

A Joint Resolution to suspend the operation of a certain law therein named.

[APPROVED, JANUARY 13, 1842.]

Act as to  
Madison cir-  
cuit court sus-  
pended.

SEC. 1. *Be it resolved by the General Assembly of the State of Indiana*, That the operation of an act entitled "an act changing the time of holding the circuit courts in Madison county," approved, January, 1842, be, and the same is hereby suspended for and during the term of one year. And the courts in the said county of Madison for the year, 1842, shall sit for the same time, and hold its session for the same length of time, as if the above named act had not passed.

This Joint Resolution to be in force from and after its passage.

## CHAPTER XXIV.

An Act to amend an act entitled "an act to fix the times of holding courts in the fifth judicial circuit," approved, January 30th, 1841. [1840]

[APPROVED, JANUARY 26, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the courts in the counties of Johnson, Bartholomew, and Morgan, in the fifth judicial circuit, shall be holden on the following days and times, to-wit; in the county of Johnson, on the Mondays succeeding the courts in the county of Shelby; in the county of Bartholomew, on the Mondays succeeding the courts in the county of Johnson; *Provided*, That the county of Morgan be, and the same is hereby attached to the 10th judicial circuit, and shall commence its session on the third Mondays in February and August annually, and shall hold its session twelve days if the business thereof require it; and the county of Bartholomew shall hold its session twelve days at each term if the business thereof require it; and the county of Johnson six days. Morgan attached to 10th circuit.

SEC. 2. All writs, subpoenas, or other process which may have issued from either of said circuit courts, since the last sittings thereof, or which may hereafter issue therefrom previous to the reception of a copy of this act at the proper clerk's office, shall be deemed and taken as, and are hereby made returnable to the first day of the first term of the proper court to be holden by virtue of this act; and all suits, pleas, complaints, prosecutions, recognizances, actions, motions or other proceedings either civil or criminal, which are now pending, or which may hereafter be pending, prior to the reception of a copy of this act at the proper clerk's office, shall be taken up and acted upon at the first term of the proper court to be holden by virtue of this act, and be disposed of according to law, in the same manner as if no alteration had been made in the time of holding such courts. Process.

SEC. 3. All laws and parts of laws in any manner conflicting with any of the provisions of this act so far as the counties of Johnson, Bartholomew, and Morgan are concerned be, and the same are repealed. Repeal.

SEC. 4. This act to be in force from and after its passage, and it is hereby made the duty of the Secretary of State to forthwith forward a certified copy of this act to each of the clerks of the circuit courts in the counties aforesaid, to be by them filed in their respective offices.



## CHAPTER XXV.

An Act to authorize a special session of the Marion Circuit Court.

[APPROVED, DECEMBER 21, 1841.]

When to be held.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Judges of the Marion circuit court be, and they are hereby authorized, to hold a special session of the Marion circuit court at the earliest possible period after the passage of this act, to be by them fixed, for the trial of John Alexander, Henry Turner, and Patsey Risbey, now confined in the Jail of Marion county for the crime of arson.

Sheriff.

SEC. 2. It shall be the duty of the Sheriff of Marion to give notice of the passage of this act, to the Judges of the Marion circuit court, who in pursuance to the provisions thereof, shall fix the day for holding such term, of which time the clerk of the circuit court shall have immediate notice.

Notice.

SEC. 3. The said prisoners shall have ten days notice of the time of said special term which shall be given them by the Sheriff in writing.

Clerk.

SEC. 4. It shall be the duty of the clerk of the Marion circuit court to issue a *venire* to the Sheriff of said county, commanding him to summon eighteen freeholders, or householders to serve as a grand jury, and also a *venire* commanding said Sheriff to summon twelve freeholders or householders to serve as a petit jury for said term, any failure of the jurors so summoned shall be filled by calling bystanders.

Court may adjourn from day to day.

SEC. 5. The court when so convened may adjourn from day to day, until said prisoners are all tried, and the Prosecuting Attorney shall attend and prosecute said prisoners; and the said court shall in all things, not herein expressly provided, proceed as in the trial of criminals at a regular session of the circuit court.

This act shall be in force from and after its passage.

## CHAPTER XXVI.

An Act to provide for the return of process, &c., in the Shelby Circuit Court for March term, 1842.

[APPROVED, JANUARY 18, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That all writs, subpoenas, venires, orders of court, recognizances, and all process whatsoever which may have been issued from the Shelby circuit court, or from or by the clerk thereof since the last term of said court, or which may hereafter issue previous to the taking effect of this act, shall be deemed and taken, and are hereby made returnable on the first day of the next term of said court, to-wit: on Thursday the third day of March A. D. 1842; and that all suits, pleas, complaints, prosecutions, recognizances, actions, motions, rules or other proceedings in said court, at or prior to the taking effect of this act, shall be taken up and acted upon, and be disposed of in the same manner as if no mistake had been made as to the time of the commencement of the next term of said court.

SEC. 2. That all precipes, declarations, bills, pleas, and Precipes, &c. answers, which may be on file in the clerk's office of the Shelby circuit court at the time of the taking effect of this act, which are entitled of the February term for 1842, shall be deemed and taken, and are hereby declared to be entitled of the March term of the Shelby circuit court for the year A. D. 1842.

SEC. 3. That all parties to suits pending in said court, Parties. grand and petit jurors, and witnesses, that may have been notified or summoned to be and appear, at and before the Shelby circuit court on the fourth Thursday or at any other time in the month of February, A. D. 1842, are hereby required to take notice of the passage and provisions of this act; and to be and appear at said court for the purposes for which they were respectively notified, on the first Thursday (and third day) of March, A. D. 1842.

SEC. 4. That this act is declared to be a public act, Public act. and the Judges of said court, and all officers of said court are required to take notice of the passage and provisions of this act.

SEC. 5. That this act shall be published in the daily Indiana Journal, and daily State Sentinel, and shall take effect from and after its passage.



## CHAPTER XXVII.

An Act fixing the times of holding Circuit Courts, in the ninth Judicial Circuit.

[APPROVED, JAN. 13, 1842.]

Times of  
holding courts  
in 9th circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the circuit courts, in and for the counties composing the 9th judicial circuit of this State, shall commence and be holden in said counties, in the year 1842, at the times following to wit: In the county of Lake, on Thursday the third day of March, and on Thursday the first day of September; in the county of Porter, on Monday the seventh day of March, and Monday the fifth day of September; in the county of Laporte on Monday the fourteenth day of March, and on Monday the twelfth day of September; in the county of St. Joseph, on Monday the twenty-eighth day of March, and on Monday the twenty-sixth day of September; in the county of Marshall, on Monday the eleventh day of April, and on Monday the tenth day of October; in the county of Kosciusko, on Monday the eighteenth day of April, and on Monday the seventeenth day of October; in the county of Elkhart, on Monday the twenty-fifth day of April, and on Monday the twenty-fourth day of October. The said court to sit in the said county of Lake for three days, in each of the said counties of Porter, Marshall, and Kosciusko six days; and in each of the said counties of Laporte, St. Joseph, and Elkhart, twelve days, if the business of the court shall require it.

Process.

SEC. 2. That all writs, subpoenas, venires, rules, orders of court, recognizances, publications, and all process whatever, which may have issued from any circuit court in said circuit since the last session thereof, or which may hereafter issue previous to the taking effect of this act, shall be deemed, and taken to be, and are hereby made returnable, to the first day of the first term of the several courts, to be holden by virtue of this act: And all suits, actions, and other proceedings now pending, or which hereafter may be pending shall be taken up and acted upon at the time of such court to be holden under this act, and be disposed of in the same manner, as if no alteration had been made in the time of holding such courts.

Part of Stark  
attached to  
Laporte coun-  
ty, for judicial  
purposes.

SEC. 3. That all that part of the county of Starke lying north and north-west of the Kankakee river be, and the same is hereby attached to the county of Laporte for all judicial purposes; any law to the contrary notwithstanding.

SEC. 4. This act to take effect from and after its passage and publication in the Indiana Journal, and State Sentinel.

## CHAPTER XXVIII.

An Act to re-organize the eighth, and to create the twelfth Judicial Circuits.

[APPROVED, DEC. 14, 1841.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the counties of Carroll, Cass, Miami, Wabash, Fulton, Pulaski, White, Jasper, and Rich-<sup>Eighth cir-</sup>ardville, shall compose the eighth judicial circuit. <sup>cuit.</sup>

SEC. 2. That the courts in the eighth judicial circuit, shall be held as follows: in the county of Cass, on the third <sup>Times of hold-</sup> Mondays of February and August; in the county of Miami, on the Monday succeeding the courts in Cass county; in the county of Wabash, on the Monday succeeding the courts in Miami county; in the county of Fulton, on the Monday succeeding the courts in Wabash county; in the county of Pulaski, on the Monday succeeding the courts in Fulton; in the county of White, on the Monday succeeding the courts in Pulaski county; in the county of Jasper, on the Monday succeeding the courts in White county; in the county of Carroll, on the Monday succeeding the courts in Jasper county; and in the county of Rich-<sup>ing courts.</sup>ardville, on the Monday succeeding the courts in Carroll county. In the county of Cass the courts shall sit eighteen days at each term; in the county of Carroll and Miami twelve days each, and in the other counties, in said circuit, six days, if the business thereof require it.

SEC. 3. *And be it further enacted*, That the counties of Allen, Adams, Wells, Huntington, Whitley, Noble, La-<sup>Twelfth cir-</sup>grange, Steuben, and Dekalb, shall form the twelfth judicial circuit. <sup>cuit.</sup>

SEC. 4. The courts in the twelfth judicial circuit, shall <sup>Times of hold-</sup> be held as follows: in the county of Allen, on the last Mon-<sup>ing courts.</sup>day but one, in February and August; in the county of Adams, on the first Mondays of March and September; in the county of Wells, on the second Mondays of March and September; in the county of Huntington, on the third Mondays of March and September; in the county of Whit-  
ley, on the fourth Mondays of March and September; in



the county of Noble, on the Mondays succeeding the courts in Whitley county; in the county of Lagrange, on the Mondays succeeding the courts in Noble county; in the county of Steuben, on the Monday succeeding the courts in Lagrange county; and in the county of Dekalb on the Monday succeeding the courts in Steuben county. In the counties of Allen and Lagrange, the court shall sit twelve days at each term; and in the other counties in said circuit, six days at each term, if the business thereof require it, except as hereinafter provided.

Process.

SEC. 5. All processes made returnable unto any of the circuit courts of the respective counties aforesaid, to the terms heretofore fixed for the holding of the sessions thereof, shall be and the same are hereby declared and made returnable to the first days of the terms of said courts as fixed by this act, except as otherwise hereinafter provided for said county of Allen.

Special term  
for Allen  
county.

SEC. 6. There shall be a special term of said court in the county of Allen for the trial of civil causes, which shall commence on the first Monday of January, in the year eighteen hundred and forty-two, and shall continue until all the civil business commenced before the last term of the Allen circuit court, or then pending in said court shall be disposed of.

Process in  
Allen.

SEC. 7. All writs and processes, except executions and writs of venire for grand and petit jurors, made returnable unto the first day of the Allen circuit court as heretofore fixed, shall be, and the same are hereby declared, and made returnable to the first day of the said January or special term of said court, as fixed by this act.

Parties to no-  
tice change.

SEC. 8. All parties, persons and officers are hereby required to take notice of the changes of the terms of the courts doing county business, and probate courts which may be produced by this act, and all transaction of business, and the discharge of all duties, official or personal, shall be postponed or accelerated to the time or times to which by this law the terms of such courts may be postponed or accelerated.

Jury for spe-  
cial term.

SEC. 9. There shall be no regular traverse jury summoned for the said special term of the Allen circuit court, but in all cases when the parties are by law entitled to a jury trial, the court shall, if required by either party, direct the Sheriff to summon a jury of bystanders, who shall be allowed a reasonable compensation for the time they may serve as jurors, to be fixed by the court, according to the laws now in force regulating juror's fees; and to guard against the misconduct or partiality of the Sheriff, each party shall be entitled to eight peremptory challenges in each case.

SEC. 10. That all laws and parts of laws coming with- Repeal.  
in the purview of this act, be, and the same are hereby repealed.

SEC. 11. This act shall be in force from and after the passage thereof, and shall be published in the Indiana Journal, and State Sentinel.

## CHAPTER XXIX.

An Act supplemental to an act entitled an act to amend an act entitled an act organizing circuit courts and defining their powers and duties, approved, February 15, 1838.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That in all cases in chancery now pending, and that may hereafter be pending in any circuit court in this State, which the President Judge of such court is, from any cause whatever, disqualified from trying, it shall be the duty of the court in which such cause is pending, to appoint some day in the next succeeding vacation, for the trial of such cause or causes; and it shall be the duty of the President Judge of such court, to give notice of the time, and place, appointed for the trial of such cause or causes, to the President Judge of one of the adjoining circuits, whose duty it shall be to attend, and proceed to try such cause or causes, with full power to adjourn from day to day, and to such time or times as he may see fit, and to do all acts, and make all orders, and decrees necessary in such cases, not inconsistent with the law and the established usages of the courts in such cases; from which judgments and decrees, appeals and writs of error may be taken to the supreme court as in other cases tried at the regular terms of the circuit courts.

SEC. 2. That the President Judges of the circuit courts shall be allowed the sum of three dollars for each day they may be employed in the trial of such causes out of their respective circuits, to be paid out of the salary of the President Judge of the circuit.

This act to be in force from and after its passage.



## CHAPTER XXX.

An Act to limit the time of holding the circuit court in Vigo county.

[APPROVED, JANUARY 31, 1842.]

Length of  
term.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the circuit courts of Vigo county shall not hereafter, at any term thereof, sit longer than three weeks.

Adjourned  
session in  
Clay county.

SEC. 2. *And be it further enacted*, That the Judge of the 7th judicial circuit be, and he is hereby required to hold an adjourned session of the circuit court in the county of Clay, immediately after the spring term of said circuit shall be completed; and the said special or adjourned session of said Clay circuit court shall sit six days if the business require it, and all process, pleadings, papers and business connected with the regular term of said Clay circuit court, unacted upon at its regular term, shall stand over until said special term, and have all the force and effect, as though the same had been acted upon at the regular term of said court.

SEC. 3. This act shall be in force from and after its passage.

## CHAPTER XXXI.

An Act to authorize the President Judge of the 3d judicial circuit to hold an extra term in the county of Dearborn.

[APPROVED, JANUARY 25, 1842.]

Additional  
term in Dear-  
born county.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That in addition to the regular terms of the Dearborn circuit court holden under existing laws, the Judges of said court shall annually hold a term of said court for the purpose of making up issues, and trying questions of law, in all such civil causes as may be pending in said court; and for the purpose of hearing, trying, and determining chancery cases, and all such civil cases at law as may by consent of parties be submitted to the court, or to the court and a jury of talismen; which court shall commence on the first Monday in July in each year, and sit so long as the business thereof shall require.

SEC. 2. No regular pannel of jury men shall be summoned to attend said term of said court.

SEC. 3. The board of commissioners, of said county of Dearborn shall, annually at their next session after the adjournment of said summer term of said court, make such allowance to the President Judge of said court, as to them shall seem just and reasonable, to be paid out of any moneys in the treasury of said county, not otherwise appropriated.

SEC. 4. This act shall be in force when the board doing county business in the said county of Dearborn, shall cause their written assent to be recorded in their order book in the Auditor's office of said county. Assent of  
county board  
required.

## CHAPTER XXXII.

An Act to amend an act entitled "an act to amend an act entitled "an act dividing the State into judicial circuits, and fixing the times for holding courts therein, and for other purposes, approved. Feb. 10, 1831, approved, Jan. 28th, 1839.

[APPROVED, JANUARY 25, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the terms of the circuit courts in the county of Dearborn, shall be extended to twenty four days each term, if the business require it. Length of  
terms in Dear-  
born county.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER XXXIII.

An Act changing the time of holding probate courts in Clay county.

[APPROVED, JANUARY 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate courts in the county of Clay, shall hereafter be held as follows: Terms.

SEC. 2. Commencing on the third Mondays of February, May, August and November, and shall, at each term, sit six days if the business thereof require it.



Repeal.

SEC. 3. All laws and parts of laws coming within the purview of this act, are hereby repealed.

SEC. 4. This act to take effect and be in force from and after its passage.

#### CHAPTER XXXIV.

An Act extending the time for holding the probate courts in Knox county.

[APPROVED, DECEMBER 29, 1841.]

Length of term.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate court of Knox county, shall hereafter at each term hold its session twelve days, if the business of the term require it.

This act to take effect and be in force from and after its passage.

#### CHAPTER XXXV.

An Act to provide for changing the time of holding the probate courts in the county of Orange.

[APPROVED, DECEMBER 31, 1841.]

Terms changed.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the probate courts in the county of Orange, shall hereafter commence on the fourth Mondays in February, May, August, and November, instead of the second Mondays in said months, and shall sit six days at each term if necessary.

SEC. 2. This act to take effect from and after its passage.

#### CHAPTER XXXVI.

An Act authorizing the Associate Judges of the county of Ripley to sit and perform the duties of probate judge in certain cases therein prescribed.

[APPROVED, DECEMBER 17, 1841.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the associate judges of the county of Ripley are hereby authorized and required to sit, and perform all the duties of the probate judge of said county, at the regular times and places of holding said court, as prescribed by law, whenever it shall come to their knowledge, that the probate judge is either absent from the county, or otherwise unable to attend. Associate Judges to hold Probate court.

SEC. 2. It is hereby made the duty of the clerk of the court aforesaid, whenever it shall be satisfactorily made known to him, that there will be no session of the court aforesaid at any of its regular terms, otherwise than through the provisions of this act, to cause written notices to be served on said associate judges, requiring them to attend and perform the duties required of them by the first section of this act. Duty of Clerk.

SEC. 3. *And be it further enacted*, That said associate judges, when they shall have performed the duties of probate judge, as contemplated by this act, shall be authorized to draw on the Treasurer of State, for the amount of wages which would have been due the probate judge had he performed the aforesaid duties. Compensation.

SEC. 4. This act to be in force from and after its passage.

#### CHAPTER XXXVII.

An Act to change the time of holding probate courts in Greene county.

[APPROVED, JANUARY 17, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the time of holding probate courts in Greene county be so changed that there shall be no term of said court held in the months of May and November, but in lieu thereof, there shall be held a term of said court annually on the second Monday of June, and continue in session six days if the business thereof require it. And Terms changed.



the time of holding the November term of said court shall be so changed as to commence on the second Monday in December annually, and continue to sit six days if the business thereof require it.

SEC. 2. This act to be in force from and after its publication.

### CHAPTER XXXVIII.

An Act to extend the time of holding probate courts in the counties of Jefferson and Washington.

[APPROVED, JANUARY 17, 1842.]

Length of  
term.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the probate courts of the counties of Jefferson and Washington shall each sit twelve days at each regular term thereof, if the business shall require it.

SEC. 2. This act to be in force from and after its passage.

### CHAPTER XXXIX.

An Act to exempt Probate Judges from arrest

[APPROVED, JANUARY 22, 1842.]

When to be  
exempt.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That probate judges be, and they are hereby exempt from arrest in all cases, except treason, felony, or breach of the peace while holding their respective courts, and while going to, and returning therefrom.

SEC. 2. This act to be in force from and after its publication.

### CHAPTER XL.

An Act amendatory to an act to organize probate courts, and defining the powers and duties of executors, administrators, and guardians, approved, Feb. 17, 1838.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That any executor or administrator be, and they are hereby authorized and required, out of any of the effects of their descendants [decedents] estates when any of the heirs of such decedent are minors, to pay any taxes assessed upon the real or personal estate of such decedent and any interest upon canal lands that may fall due, and such payment shall be charged and entered by the proper probate court as other debts of such decedent.

SEC. 2. That hereafter it shall not be compulsory on any guardian to advertise the sale of rents and profits of any real estate belonging to minors in a newspaper; but any guardian need not advertise sale of rents, in newspapers, if in his opinion the interest of the estate of such minor require it. So much of the act to which this is an amendment as comes within the purview of this act be, and the same is hereby repealed.

SEC. 3. This act shall be in force from and after its passage.

### CHAPTER XLI.

A Bill to change the mode of selecting jurors in Lawrence county and for other purposes.

[APPROVED, JANUARY 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter, the act entitled, an act to regulate the mode of summoning and empanneling grand and petit jurors, approved, February 17, 1838, so far as said act prescribes the mode of selecting petit jurors, shall not apply to the county of Lawrence.

SEC. 2. That, hereafter, at each session of the circuit court in the county of Lawrence, in each case to be tried by a jury in said court, it shall be the duty of the sheriff of said county, when ordered by the court, to select from among the citizens, householders of said county, twelve



jurors, to try such case, who shall be subjected to the same obligations, and entitled to the same compensation, for the time they may be employed, as jurors are now entitled to, by the provisions of the act, for which (so far as relates to the county of Lawrence) this is a substitute, and the acts supplemental or amendatory thereto; any thing in any act or part of an act to the contrary notwithstanding.

County board  
restricted in  
allowance to  
bailiffs.

SEC. 3. That, hereafter, it shall not be lawful for the board of commissioners of the county of Lawrence, to make an appropriation from the county treasury for more than two bailiffs as a compensation to bailiffs for the grand jury, commonly called and known in said county of Lawrence, by the name of riding bailiffs.

This act to take effect and be in force, as soon as a certified copy thereof be filed in the clerk's office of Lawrence county.

## CHAPTER XLII.

An Act for reducing the expenses of the counties of Monroe and Brown, and for selecting petit jurors therein.

[APPROVED, JANUARY 20, 1842.]

Repeal.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That all laws now in force, which provide for the county board of each county selecting petit jurors, so far as relates to the counties of Monroe and Brown be, and they are hereby repealed.

Jury of by-  
standers.

SEC. 2. It shall be the duty of the sheriff or coroner of each of said counties, when a jury shall be required at any time during the term of the circuit court, or probate courts of the said counties, to summon a jury of twelve good and lawful jurors, householders of their respective counties, from the by-standers.

SEC. 3. This act to take effect and be in force from and after its passage.

## CHAPTER XLIII.

An Act to regulate the duties of clerks of the circuit courts and county Recorders.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That if any clerk of the circuit court in the State of Indiana, shall refuse or neglect to issue any writ or process known to the laws of this State, when demanded by any person, or by their agent or attorney; or refuse or neglect to pay over to the proper person authorized to receive the same, any money received or collected by him on any judgment obtained in the circuit court, or in any other manner come into the hands of said clerk; upon such refusal, he shall be liable on presentment or indictment, to pay a fine not less than one hundred dollars, nor more than five hundred dollars, to be collected and applied as other fines are collected and applied; and shall also be liable to pay to the person entitled to said money aforesaid, double the amount so retained, to be collected in a plea of debt.

SEC. 2. That if the recorder of any county in this State, refuse or neglect to record any deed or other instrument of writing which is required to be recorded, upon such refusal, such recorder shall be liable to pay a fine of not less than ten, nor more than one hundred dollars, and pay all damages caused by such refusal.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER XLIV.

An Act amendatory to an act, entitled "an act concerning clerks," approved, January 20, 1831.

[APPROVED, JANUARY 20, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases where the commissions of justices of the peace may have remained, or hereafter remain in the clerk's office of any county in the State of Indiana, for a longer period of time than sixty days after having notice of its being in such clerk's office, without



such justice of the peace qualifying himself according to law, it shall be the duty of such clerk to transmit such commission or commissions to the Secretary of State, and order another election in the town or township for which such justice or justices were elected, whose commission shall be thus returned to the office of the Secretary of State.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER XLV.

An Act entitled an act regulating the duties of clerks of the circuit Courts, and county auditors.

[APPROVED, JANUARY 31, 1842.]

Duty of Clerks as to allowances.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the clerks of the several circuit courts in this State shall, within ten days after the adjournment of each term of said courts, make out and deliver to the county auditors of their respective counties, a statement duly certified of all claims allowed by said court and payable out of the county treasury, specifying the persons for whom the allowances are made, the amount thereof and for what purpose.

Duty of Clerks in cases taxed with jury fee.

SEC. 2. That the clerks of the circuit courts shall, within ten days after the close of each term of said courts, make out and deliver, to the county auditors of their respective counties, a certified statement of the causes tried and determined at said term in which a jury fee is taxed, specifying the names of the parties, and the kind of action; a copy of which the said auditors shall forthwith deliver to the treasurer of their respective counties, charging the treasurer with the amount of jury fees contained in said statement; and the said treasurer shall account for said jury fees as the same are collected. And it is hereby made the duty of the aforesaid clerks to pay over to the county treasurers of their respective counties all such jury fees as may come into their hands, within one month after receiving the same.

Duty of Auditor.

Duty of Treasurer.

Clerk to pay jury fees to Treasurer.

List of fines to be made, &c.

SEC. 3. That it shall be the duty of the clerks of the circuit courts in this State, within ten days after the adjournment of each term of said court, to make out and deliver to the auditor of their respective counties, a cor-

rect list of all fines assessed by and recognizances forfeited in said court at said term; a copy of which said list the said auditor shall within ten days after receiving the same deliver to the trustees of the county seminary of his said county.

SEC. 4. It shall be the duty of all justices of the peace, in this State, to make out and deliver to the county auditor of their respective counties, on the first Monday of January and July in each year, a correct list of fines assessed by them and of recognizances taken by them which have been forfeited within the preceding six months, specifying the names of the persons fined, the amount thereof and for what offence; a copy of which shall be delivered by said auditor to the trustee or trustees of his county seminary, within ten days from the time he shall receive the same.

Justices of the Peace to make out list of fines.

SEC. 5. It shall be the duty of the sheriffs of the several counties in this State to make out and deliver to the clerks of their respective counties before the adjournment of each term of the circuit court in their counties, a certified list of petit jurors, with the number of days each has attended and served during said term.

Duty of Sheriffs.

SEC. 6. It shall be the duty of the several county auditors of this State, to do and perform all the duties required to be done, and performed by the clerk of the circuit court, by the first section of an act entitled "an act to regulate the mode of summoning and empanneling grand and petit jurors," approved, February 17th, 1838, excepting so much thereof as requires that the panels of the grand and petit jurors, shall be recorded in the order book of the circuit court; and the said county auditors shall within ten days after the panels of the grand and petit jurors are drawn and made according to the provisions of the above recited act, deliver said panels to the clerk of their respective counties, who shall forthwith record the same in the order book of said circuit court.

Duty of Auditors.

SEC. 7. That the 15th section of an act entitled "an act regulating the jurisdiction and duties of justices of the peace," approved, February 17, 1838, be so amended that the clerks of the circuit courts shall have until the second day of the sitting of the court, to make out and certify the list of fines therein required.

Time extended to Clerks to make out list of fines.

SEC. 8. That the duties heretofore performed by the clerks of the several circuit courts in this State under the order of the boards doing county business in relation to either general, or county or township elections, shall be hereafter performed by the several county auditors in manner and form, and under the same restrictions and penalties as are now provided by law for the regulation of the

Certain duties heretofore performed by Clerks of circuit courts, transferred to Auditors.



clerks in the performance of such duties; for which services the said auditors shall receive the compensation now by law allowed to the clerks for the same services.

Penalty for neglect of duty.

SEC. 9. That if any clerk, county auditor, county treasurer, justice of the peace, or trustee of the county seminary shall neglect to perform any duty required of him by this act, he shall on conviction thereof, or [on] indictment in the circuit court, be fined in any sum not less than five nor more than one hundred dollars.

SEC. 10. All laws or parts of laws coming within the purview of this act be, and the same are hereby repealed.

## CHAPTER XLVI.

An Act concerning Petit Jurors in certain counties therein named.

[APPROVED, JANUARY 22, 1842.]

Petit jurors for first week, &c.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter there shall be selected and summoned but twelve petit jurors for the first week of the regular terms of the circuit courts, and none for the second week, in the counties of Greene, Daviess, Ripley, Adams, Jay, Crawford, and Parke, to be selected and summoned agreeably to the provisions of the several laws now in force on that subject.

Jury of by-standers.

SEC. 2. *Be it further enacted*, That whenever it shall be necessary to have a jury after the regular pannel is discharged, it shall be lawful for the court to direct the sheriff to select the same from the by-standers, who shall be entitled to the same compensation as other jurors.

SEC. 3. This act to be in force from and after its publication in the Indiana Journal and State Sentinel.

## CHAPTER XLVII.

An Act to provide for selecting petit jurors in Laporte county.

[APPROVED, JANUARY 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter, the act entitled an act to regulate the mode of summoning and empanneling grand and petit jurors, approved, February 17, 1838, so far as said act requires and prescribes the mode of selecting petit jurors, shall not apply to the county of Laporte. Act of 1838, not to apply to Laporte county.

SEC. 2. That hereafter, at each session of the circuit court, or probate court, of said county of Laporte, in each case to be tried by a jury in said court, it shall be the duty of the sheriff of said county, or other officer under the direction of the court, to select from among the citizens, householders or freeholders of said county, twelve jurors to try such case, who shall be subject to the same obligations, and in all things governed in the same manner as petit jurors are now subject to and governed, any law to the contrary notwithstanding. Jury to be selected in each case.

SEC. 3. That in any case so to be tried by such jury, where the right of peremptory challenge has been heretofore limited to three jurors, each party shall hereafter have the right to challenge eight jurors peremptorily. Right of challenge extended.

SEC. 4. That grand jurors, in the said county of Laporte, shall hereafter receive one dollar per day, and no more, for their services. Compensation to grand jurors.

## CHAPTER XLVIII.

An Act to change the mode of selecting petit jurors in Jackson and Bartholomew counties, and for other purposes.

[APPROVED, DECEMBER 29, 1841.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter the act entitled "an act to regulate the mode of summoning and empanneling grand and petit jurors," approved, February 17, 1838, so far as said act prescribes the mode of selecting petit jurors, shall not apply to the counties of Jackson and Bartholomew. Act of 1838, not to apply.

SEC. 2. That hereafter at each session of the circuit court



lected in each case. courts, in the said counties of Jackson and Bartholomew, in each case to be tried by a jury in said courts, it shall be the duty of the sheriffs in said counties, when ordered by the courts, to select from among the citizens, householders of said counties, twelve jurors to try such case, who shall be subjected to the same obligations, and entitled to the same compensation for the time they may be employed, as jurors are now entitled to, by the provisions of the act for which (so far as relates to the counties of Jackson and Bartholomew) this is a substitute, and the acts supplemental or amendatory thereto; any thing in any act or part of an act to the contrary notwithstanding.

Restrictions upon board of Commissioners as to bailiffs. SEC. 3. That hereafter it shall not be lawful for the boards of commissioners of the counties of Jackson and Bartholomew, to make any allowance or appropriation from the county treasury, as a compensation to bailiffs for the grand jury, commonly called and known in said counties of Jackson and Bartholomew, by the name of riding bailiffs.

This act to take effect and be in force, as soon as a certified copy thereof shall be filed in the clerks' offices of Jackson and Bartholomew counties.

## CHAPTER XLIX.

An Act to provide for the summoning and empanneling Grand and Petit Jurors in the counties of Allen, Hamilton, Vigo, Delaware, Grant, Marion, Clark, Switzerland, Spencer, Greene, Putnam, Morgan, Fulton, Jennings, Marshall and Orange.

[APPROVED, JANUARY 29, 1842.]

Number of pannel.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter, there shall be drawn by the board of commissioners and summoned, only fifteen persons, to serve as grand jurors at each term, and twelve persons to serve as petit jurors, for the first week, and a like number for the second week, of each term of the circuit court, in the above named counties.

Pannel to be filled up from the by-standers.

SEC. 2. Whenever it shall happen, from any cause whatever, that there shall not be in attendance at any term of said court, a full pannel of jurors, or none, or not a sufficient number of the regular pannel to form a jury, it shall be lawful for the sheriff to summon from among the by-standers, a sufficient number of householders or freeholders residents of said county, to constitute a jury,

or to fill up said pannel; who, when so empanneled shall have all the power and authority of a regular pannel of jurors, and be governed in all respects as such.

SEC. 3. In all cases where a jury shall be empanneled under the provisions of this act, each party shall have the right of challenge. Right of challenge.

SEC. 4. All laws and parts of laws contravening the provisions of this act be, and the same are hereby repealed.

## CHAPTER L.

An Act to regulate the summoning of petit jurors in Dearborn county.

[APPROVED, JANUARY 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board doing county business, in the county of Dearborn, shall determine the number of petit jurors, to be summoned for each week of the circuit courts in said county. County board to determine number.

SEC. 2. All laws coming within the purview of this Repeal. act be, and the same are hereby repealed.

SEC. 3. This act to take effect and be in force from and after its passage.

## CHAPTER LI.

An Act to provide for selecting petit jurors in Hendricks county, and for other purposes.

[APPROVED, JANUARY 17, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the board doing county business shall not select pannel. County board shall not select pannel. petit jurors for said county as heretofore provided by law.

SEC. 2. That hereafter whenever a traverse jury shall be required to try any issue or issues, in the said Hendricks circuit court, it shall be the duty of the sheriff or coroner of said county (as the case may be) forthwith to summon such jury from amongst the by-standers, to try Traverse jury to be selected from by-standers.



such issue or issues who shall possess all the qualifications now required by law for traverse jurors, and the parties to such suit shall have the same right of challenge as is now provided by law.

Repeal.

SEC. 3, All laws and parts of laws contravening the provisions of this act so far as the same relate to the county of Hendricks be, and the same are hereby repealed.

This act to take effect and be in force from and after its passage.

## CHAPTER LII.

An Act supplemental to "an act subjecting real and personal property to execution," approved, February 4th, 1841.

[APPROVED, JANUARY 8, 1842.]

Property not to sell for less than two thirds of its value.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That no property of any description whatever, either real or personal, shall be sold on execution or by virtue of any other process issued by any officer in this state, for less than two-thirds of its fair value at the time of such sale, after deducting all incumbrances thereon.

Valuation, how made.

SEC. 2. That the sheriff, commissioner, constable or other officer in whose hands any writ of execution, or order of sale, founded on any judgment, order or decree, may be, shall, after having levied the same on property of any description, (subject to execution,) unless otherwise instructed by the execution defendant or defendants, proceed to ascertain the fair value of such property, by selecting two disinterested householders, who shall choose a third in case of disagreement, residents of the township in which said levy is made, who shall forthwith proceed to make a just and true valuation thereof, in writing, which shall be according to the fair value thereof at the time, and to which said valuation the said appraisers shall be sworn by the officer making such levy, who is hereby invested with authority to administer said oath, and which oath shall be in substance as follows: We the undersigned do solemnly swear (or affirm as the case may be,) that the property mentioned above is to the best of our judgments worth (here insert the value,) the same being a fair price

and just valuation thereof, at this time, after deducting all incumbrances thereon, Signed,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Appraisers.

Sworn to, and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_ 184 ; Which said appraisement, when so executed, shall be delivered to the officer making said levy, to be by him returned and filed with the execution or other process, under which said levy was made.

SEC. 3. That whenever any sheriff, commissioner, constable, or other officer, shall expose property to sale, on any execution or order of sale, founded on any judgment, order, or decree, according to the provisions of this act, and the same cannot be sold for two-thirds its appraised value as aforesaid, it shall be the duty of such officer to return the process, with a special endorsement thereon to that effect; and the return, when so made, shall be and constitute a lien upon all such property as may remain unsold as aforesaid; and whenever a new execution shall issue upon such return, either party may have a re-valuation of the property so levied on, by paying the costs thereof: *Provided, however*, That the execution-defendant shall have the privilege of executing a delivery bond to the officer levying the same, and by giving security to the acceptance of said officer, and conditioned for the delivery of said property to the officer at such time and place as the officer shall appoint for the sale thereof; and conditioned further, that the said execution-defendant, or defendants, may sell the said property at private sale, and when so sold, said execution-defendant or defendants, shall apply the proceeds thereof to the satisfaction of the judgment, order, or decree, on which the execution or other process issued, at a price not less than two-thirds its appraised value.

Return of officer to be a lien upon property.

Re-valuation.

Delivery bond.

SEC. 4. That all executions issuing from the circuit or probate courts, shall be made returnable at the expiration of one hundred and eighty days from the date thereof, and not sooner, so that not more than two executions shall be issued from said courts, on any judgment, or decree, in a period of twelve months; and all executions issued by a justice of the peace, shall be made returnable at the expiration of one hundred and twenty days, and not sooner, so that not more than three executions shall be issued by a justice of the peace, in any case in a period of twelve months: *Provided, however*, That there shall not be more than one offer to sell under any execution, unless the plaintiff or plaintiffs shall direct such subsequent offer to sell at his or her costs: *Provided, further*, That the several offi-

Return day.

Proviso.



cers having execution shall make one offer to sell, with as little delay as possible, after receiving the execution: *Provided, further*, That in all cases where the sheriff, commissioner, constable, or other officer, shall sell property and receive payment therefor, then and in that case the said sheriff, commissioner, constable, or other officer, as aforesaid, shall pay over to the officer issuing the same, the amount so received, in payment for said property, so sold, forthwith: *And provided further*, That in case said execution or other process (so in the hands of the officer aforesaid,) shall be fully paid or satisfied, by sale or otherwise, then and in that case, it shall be the duty of the said officer to return the same, and forthwith pay over the money received thereon by virtue of his office.

Real estate to be offered at Court-house. SEC. 5. That all real estate shall be sold or offered for sale at the door of the Court-House, or place where courts are holden in the county where the same may be situated.

Provisions of this act not to apply to certain proceedings. SEC. 6. That the provisions of this act shall not extend to judgments or legal proceedings against state, county or township officers, or executors, administrators or guardians, for misfeasance, malfeasance or nonfeasance in office; nor to attorneys for refusing to pay over moneys by them collected, as such; nor against any bank, or savings institution, or insurance office; nor to state prosecutions; nor to judgments on official and forfeited delivery bonds.

Executions now issued. SEC. 7. The provisions of this act shall extend to all executions now issued, and in the hands of the sheriff, constable or other officer, except as above in section six excepted.

Defendant may deliver up either real or personal property. SEC. 8. That upon all executions or other process issued from the several circuit or probate courts in this State, it shall be at the option of the defendant or defendants thereto, to deliver up to such officer either real or personal property.

Compensation of appraisers. SEC. 9. That the appraisers under this act shall each be entitled to receive fifty cents per day on all process issued from the circuit or probate courts, and on executions issued by justices of the peace, to twenty-five cents each per day for their services.

Repeal. SEC. 10. That the act entitled "an act supplemental to an act subjecting real and personal property to execution," approved February 13, 1841, and all acts and parts of acts coming in conflict with any of the provisions of this act, be, and the same are hereby repealed.

When to be in force. SEC. 11. This act shall be in force in each county in this State from and after a certified copy of the same shall be filed in the proper clerk's office, and it shall be the duty of the Secretary of State immediately to transmit to each clerk of the several circuit courts certified copies of this

act; and whether such certified copy shall be filed as aforesaid or not, this act shall be in force in every county throughout the state on the tenth day subsequent to its approval by the Governor.

## CHAPTER LIII.

An Act giving additional stay of execution, where specie is demanded.

[APPROVED, JANUARY 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That when the plaintiff or plaintiffs in any judgment rendered or to be rendered, in any court in this State, or by any justice of the peace, shall demand and require specie, and refuse paper bankable in the State Bank, from the defendant or defendants in said judgment, in payment of the amount due thereon, the said defendant or defendants, upon giving replevin security to the satisfaction of the officer issuing the execution, and which shall be taken in the same manner as now prescribed by law, shall be entitled to a stay of execution for the period of twelve months, in addition to the stay already allowed by existing laws: *Provided*, That the Bank or any Insurance Company shall not be entitled to the benefit of this act.

SEC. 2. This act shall take effect and be in force from and after its publication in the Indiana Journal and State Sentinel.

## CHAPTER LIV.

An Act to amend an act entitled "an act to regulate the taking up of animals going astray, and water crafts, and other articles of value adrift," approved, February 15, 1841.

[APPROVED, JANUARY 13, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That after the word "hog" in the above recited act the word "cattle" be inserted. Also the word "ten" in the 3d line of the 5th section of said act be, and



the same is hereby repealed, and the word "twelve" is hereby substituted in its stead, and after the word "dollar" in the 8th and 9th lines of the 6th section, shall be added "for each separate advertisement so transmitted."

SEC. 2. This act to be in force from and after its passage.

## CHAPTER LV.

An Act to abolish imprisonment for debt.

[APPROVED, JANUARY 13, 1842.]

Ca. sa. shall  
not issue, ex-  
cept, &c.

SEC. 1. Be it enacted by the General Assembly of the State of Indiana, That hereafter, no writ of *capias ad satisfaciendum* shall be issued against the body of any debtor, within the State of Indiana, except as hereinafter provided.

Special bail  
when requir-  
ed.

SEC. 2. That hereafter special bail shall not be required in any case, until the plaintiff, his agent or attorney, shall make and file, with the officer, or court, where suit shall be commenced, an affidavit, stating that he believes the defendant is about to leave the State of Indiana, taking with him property subject by the laws of the State to execution, or other means or effects with which he might pay said debt, or some part thereof, with intent to defraud his creditors; and in such case the recognizance of special bail, shall amount only to an undertaking, that the defendant will surrender his body or the property, means and effects, held at the time of making such affidavit, in payment of the debt; and in default thereof, the security in the bail bond, shall only be liable for the amount of the property, means, and effects which the plaintiff may shew the defendant to have held, at the time of making the affidavit aforesaid.

Plaintiff wish-  
ing to sue out  
ca. sa. shall  
make affida-  
vit.

SEC. 3. That hereafter it shall be lawful for any plaintiff, his agent or attorney, who may wish to sue out any *capias ad satisfaciendum*, against the body of any judgment defendant, to file before the justice, or in the office of the clerk of the court, where such judgment may be rendered, an affidavit charging the defendant with fraudulently concealing his property or other means or effects, or charging that said defendant has money, rights, credits or effects with which such judgment or some part thereof might be paid, and which he so conceals to defraud said plaintiff; upon the filing of which affidavit it shall be the

duty of the justice or clerk, where such judgment may be rendered, to summon such defendant to appear and show cause why a *capias ad satisfaciendum* shall not issue against him, on said judgment; which summons, if to appear before any court of record, shall be served at least ten days before the commencement of such court; and if before a justice of the peace, at least three days before the time fixed for the trial thereof; and two returns of not found shall be deemed equivalent to a service; and said defendant shall appear and plead to such charges, and on such issue of fraud a jury may be empaneled at the instance of either party, or the same may be submitted to the court; and if on such hearing the issue is found against such defendant, the plaintiff shall forthwith be entitled to a writ of *capias ad satisfaciendum*, to be regulated by the laws now in force, except so far as the same may be changed by the provisions of this act, unless the defendant shall forthwith surrender the property, means or effects so found to be fraudulently concealed by him; and if said issue is found against the plaintiff no *ca. sa.* shall issue, and the plaintiff shall pay the costs: *Provided, however*, That if such defendant shall fail to appear and plead to the charges, the justice or court, may proceed to hear and determine the same in his absence, or empanel a jury for that purpose if required by the plaintiff. *Provided, further*, That in case no special bail has been given by the defendant in the suit in which the judgment was rendered, and the plaintiff, his agent or attorney, shall also state in such affidavit, that he is afraid and believes that the defendant will clandestinely leave the State before the issue of fraud can be determined; then, instead of the summons contemplated by this section, a writ of *capias ad respondendum*, shall be issued, on which the defendant shall give bail for his appearance at such trial and for the surrender of his body, in case a writ of *ca. sa.* shall be awarded against him.

Proceedings  
thereon.

Proviso.

Proviso.

SEC. 4. That hereafter when any person shall be in custody upon any civil process, it shall be lawful for him to sue out a writ of *habeas corpus*, in the county in which he may be confined, and on the return and hearing thereof, it shall be competent for him to prove to the judge or judges before whom the same may be returned, that he has not been guilty of fraud or concealment of any of his property, means or effects, whereby the debt of the plaintiff or any part thereof might have been paid; and if on such hearing such person shall satisfy the judge or judges, that he has not been guilty of such fraud or concealment, it shall be the duty of the judge or judges, forthwith to order such person to be discharged, and such order shall be avail-

Habeas corpus.



able as a defence to any suit which may be instituted on the bail bond or against any officer for an escape.

*Ne exeat.*

SEC. 5. That hereafter when any writ of *ne exeat* shall be issued by any court or justice of the peace, it shall be the duty of the officer serving the same, upon the request of the defendant, to take him forthwith before the justice issuing said writ, or before the associate judges of the court out of which said writ shall issue, of which said plaintiff, his agent or attorney shall have notice, if in the county, when said defendant shall be allowed to disprove the matters alleged in the plaintiff's affidavit; and if it shall thereupon appear to the satisfaction of such judges or justice, that the defendant does not intend to leave the State with intent to defraud the plaintiff, the defendant shall thereupon be released.

Persons now  
confined to be  
discharged.

SEC. 6. That all persons now confined in the prison or prison bounds of any county in this State by or under any writ or other restraining process in any civil case, be and the same are hereby discharged; and this act may be plead in bar to any action on any prison bounds' bond: *Provided however,* That such discharge shall not bar the plaintiff suing out another *ca. sa.* as herein before provided.

Proviso.

Repeal.

SEC. 7. All laws and parts of laws coming in conflict with the provisions of this act be, and the same are hereby repealed.

SEC. 8. This act to be in force from and after its publication in the Journal and Sentinel. And a copy thereof shall be sent immediately to each clerk's office in this State, by the Secretary of State.

## CHAPTER LVI.

An Act to amend an act entitled "an act authorizing aliens and foreigners to hold real estate within the State of Indiana," approved, January 14, 1818.

[APPROVED, JANUARY 25, 1842.]

Property held  
by foreigners  
before being  
naturalized  
may be con-  
veyed, &c.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That in all cases where any foreigner or foreigners, alien or aliens, shall have heretofore purchased any lands, tenements or hereditaments within this State, before having made the declaration required by the several acts of Congress regulating the naturalization of foreigners, who since the making of said purchase shall have com-

plied with the said acts and made said application, or who shall, within two years from the passage of this act, make application to become naturalized as aforesaid; that then, and in that case, such person or persons, their heirs, legal representatives or assigns shall be, and are hereby declared as fully capable of holding and conveying the same in fee simple, as if the application required by law to become naturalized had been made before making said purchase; and that the State relinquishes to such person or persons, and to their heirs or assigns, all her right and title to escheat in the same.

SEC. 2. That in all such cases, where such alien or aliens shall have made purchases as aforesaid, and shall have died before making the application as aforesaid, leaving minors, that then and in that case, the provisions of the first section of this act shall extend to said minors during the term of their minority.

Provisions of  
1st Sec. ex-  
tended to mi-  
nors of de-  
ceased aliens.

SEC. 3. Hereafter, on the death of any alien or foreigner seized or possessed of any estate or interest in lands, tenements, or hereditaments, the same, if not devised away by the last will and testament of such alien or foreigner, shall descend to, and be inherited by the next of kin of such alien or foreigner actually resident at the time in the United States (not regarding any kin who may not at the time be residents of the United States,) in the same manner as real estate may or shall, by the laws of this State, descend to, and be inherited by natural born citizens.

Property to  
descend to  
next of kin in  
the United  
States.

SEC. 4. The child or children, or next of kin of any alien or foreigner, actually residing in the United States at the time, who may hereafter die seized of lands, tenements, and hereditaments in this State, shall be, and are hereby declared to be the heirs of such alien or foreigner, and capable of inheriting such real estate in like manner as if he, she, or they had been natural born citizens.

Who shall be  
the heirs of an  
alien.

SEC. 5. The widow of any alien or foreigner, residing in the United States at the time of the death of her husband, shall be entitled to dower in like manner as if he had been a natural born citizen; and this section shall extend to all cases that have heretofore, as well as those that shall hereafter occur.

Dower.

SEC. 6. All acts and parts of acts contravening the provisions of this act be, and the same are hereby repealed.

Repeal.

SEC. 7. This act to be in force from and after its passage.



## CHAPTER LVII.

An Act to amend an act entitled "an act to establish seats of Justice in new counties," approved, January 14, 1824.

[APPROVED, JANUARY 29, 1842.]

Compensation to Commissioners.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the above recited act is hereby so amended, that the locating commissioners of the seats of justice in new counties, shall hereafter be entitled to receive each two dollars for every day they may be necessarily employed in performing the duties enjoined on them in the act to which this is an amendment; and two dollars for every twenty-five miles in travelling to and from the place of meeting by the most direct route.

Repeal.

SEC. 2. So much of section five of the above mentioned act, as comes within the purview of this act, is hereby repealed.

SEC. 3. This act to be in force from and after its passage, and publication in the Indiana State Sentinel.

## CHAPTER LVIII.

An Act supplementary to an act to provide for distributing so much of the surplus revenue of the United States, as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved June 23, 1836, approved, February 6, 1837.

[APPROVED, JANUARY 31, 1842.]

Preamble.

*Whereas*, By the thirteenth and fourteenth sections of "an act to provide for distributing so much of the surplus revenue of the United States, as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved 23d June, 1836," approved, February 6, 1837, the interest accruing to the State from the surplus fund distributed amongst the several counties of the State was appropriated for the term of five years, to the use of common schools: *And whereas*, The said term of five years, will expire on the sixth of February, 1842, and it is desirous that the interest aforesaid should be continued to be applied for the use of education: therefore

Provisions extended.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of the thirteenth and

fourteenth sections of the act above named, be, and the same are hereby extended and continued for the further period of five years, from and after the 6th day of February, 1842.

SEC. 2. This act to be in force from and after its publication in the Indiana State Sentinel, and Indiana Journal.

## CHAPTER LIX.

An Act levying a tax for state purposes and for the gradual redemption of Treasury Notes.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be levied for the purpose of defraying the ordinary expenses of the state government, and for the gradual redemption of treasury notes, an annual tax of twenty cents on each one hundred dollars of the value of all property entered on the general list for taxation; also for state purposes, a poll tax of fifty cents on each poll subject to taxation by law, which tax shall be assessed and collected agreeably to law.

SEC. 2. That ten cents on each one hundred dollars valuation of the aforesaid tax, be set apart annually for the redemption of treasury notes.

SEC. 3. That the Treasurer of State be authorized to appropriate any available funds in the treasury for the purpose of liquidating treasury notes, or other liabilities of date, &c., the State.

SEC. 4. All acts coming within the purview of this act be, and they are hereby repealed.

SEC. 5. This act to be in force from and after its publication in the Indiana Journal and State Sentinel.



## CHAPTER LX.

An Act to compel speculators to pay a road tax equal to that paid by actual settlers.

[APPROVED, JANUARY 31, 1842.]

Road tax in  
certain coun-  
ties.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That in the counties hereinafter named, to-wit: The counties of Noble, Lagrange, Dekalb, Steuben, Kosciusko, Allen, Huntington, Wells and Whitley, there shall be assessed and collected for the purpose of repairing, constructing and making roads in the said counties, the sum of one and a fourth cents on each and every acre of land lying and being within the limits of said counties subject to taxation; and on town lots with the improvements thereon which are subject to taxation the sum of fifteen cents on each and every hundred dollars valuation thereof; and in the counties of Fulton and Marshall two cents on each and every acre of land subject to taxation, except canal and school lands, on which full payment of the original purchase money has not been made, which shall be taxed, when one-fourth only of the purchase money has been paid, one half cent; when half of the purchase money has been paid, one cent; and when three-fourths of the purchase money has been paid, one and a half cents on each and every acre; and on town lots in said counties of Fulton and Marshall which are subject to taxation, the sum of twenty-five cents on each and every hundred dollars of the valuation thereof exclusive of the improvements thereon; which shall be in lieu of all taxes on both real and personal property for road purposes in all of said counties, the same to be assessed and collected as other taxes are assessed and collected for state and county purposes: *Provided*, That the same may be worked out under the direction of the supervisors of the road districts in which the tax is laid, at the rate of one dollar per day previous to the first day of October in each year, and the supervisor's receipt therefor shall be received by the treasurer of said counties respectively in discharge of said tax, or so much thereof as shall have been worked out in the manner aforesaid. And the moneys arising from and under this act, when collected, shall be paid into the county treasuries of said counties for the use of the respective road districts therein, and shall be, when collected, paid over by the county treasurers to the supervisors of the respective road districts in which the same shall have been collected, and by such supervisor immediately expended upon the

Proviso.

roads in his district under the provisions of this act. *Provided*, That in all cases when any moneys collected under the provisions of this act for road purposes shall remain in the hands of any supervisor at the expiration of his term of office, it shall be his duty forthwith to pay over the same to his successor in office, taking his receipt therefor: *Provided however*, That each and every person who shall serve on any board of election in either of said counties, shall be entitled to a credit of one day's work on the roads for each day he shall so serve on said board of election. Proviso.

SEC. 2. *And be it further enacted*, That in addition to the said road tax specified in section first, all male inhabitants in said counties between the age of twenty-one and fifty years, (persons exempt by law, or excused by the board doing county business excepted,) shall work only one day on the road in each year under the direction of their respective supervisors, and in default thereof shall pay the sum of one dollar respectively, which shall be collected by the supervisors in said counties, according to the laws now in force regulating the duties of supervisors of roads and highways. Male inhabit-  
ants, in said  
counties to  
work one day.

SEC. 3. *And be it further enacted*, That any supervisor or other officer of said counties who shall fail, neglect, or refuse to expend or otherwise account for any and all moneys which may be by him received under the provisions of this act, according to the provisions thereof, or who shall fail, neglect, or refuse to comply with any of the provisions of this act, shall forfeit and pay for each and every offence, in addition to such sum or sums as he or they may have received under the provisions of this act, and not expended or otherwise accounted for, a sum not less than three, nor more than twenty dollars, to be recovered by action of debt before any court having competent authority, and apply the same as other moneys are applied under the provisions of this act. Penalty a-  
gainst super-  
visors.

SEC. 4. It shall be the duty of the auditors of the said counties respectively, to make out and furnish to each and every road supervisor in their respective counties, a list of all town lots and lands subject to taxation within their respective road districts. County audi-  
tors.

SEC. 5. All laws and parts of laws which come within the purview of this act be, and the same are hereby repealed. This act to take effect and be in force from and after its passage and publication in the State Sentinel. Repeal.



## CHAPTER LXI.

An Act for the relief of certain persons therein named.

[APPROVED, JANUARY 29, 1842.]

Preamble.

*Whereas*, By the passage of an act at the last General Assembly, entitled "an act to amend an act entitled an act relating to county seminaries," approved Feb. 15, 1841, it is made the duty of each and every justice of the peace in this State in addition to the duties previously required by the fourteenth section of the act regulating the jurisdiction of justices of the peace, approved Feb. 17, 1838, to report on the first day of each term of the circuit court of his proper county whether or not, he has assessed any fines since the first day of the previous term of said court.

*And whereas*, Many justices aforesaid, without any intention whatever of evading the law, or neglecting their duties, overlooked the said section, particularly that part of it which required them to report (when they had assessed no fines in said time) that they had assessed no fines, for remedy to such as did not knowingly violate said laws.

Justice of the  
peace released  
from indictment,  
when

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That each and every justice of the peace who has been indicted by any grand jury for not complying with the provisions of the second section of an act entitled "an act to amend an act entitled an act relating to county seminaries," approved, Feb. 15, 1841, and which indictments remain to be tried, be, and they and each one of them are hereby released from said indictments: *Provided, however*, The provisions of this act shall only extend to such justices of the peace, who had assessed no fines within the time contemplated by said act. And hereafter unless the justice has assessed a fine or fines, he shall not be required to report as required by said act.

SEC. 2. This act shall be in force from and after its publication in the Indiana Journal and State Sentinel, and shall be taken for a public act and all courts shall observe it accordingly.

## CHAPTER LXII.

A Joint Resolution respecting sales of personal property on execution.

[APPROVED, DECEMBER 15, 1841.]

*Be it resolved by the General Assembly of the State of Indiana*, That the sale of personal property on execution <sup>Sales postponed.</sup> now levied, and advertised, or which may be levied hereafter, and before the first day of February next, is hereby in every case postponed until some day to be fixed by the proper officer, and after the first day of February next; *Provided*, That no officer or execution plaintiff shall be subject to any action for damages, in consequence of any levy or sale of property on execution, who had not actual notice of the passage of this joint resolution; *Provided further*, That any officer having an execution in his hands shall, after levy, return the same to the officer from which it issued, and take out a *venditioni exponas* ordering the sale of such property so levied on as before, upon some day subsequent to the 1st of February, 1842; *Provided further*, That nothing in this joint resolution, shall be so construed as in any manner to affect the rights of replevin bail.

SEC. 2. This joint resolution shall take effect and be in force from and after its passage, and shall be published in the Indiana Journal and State Sentinel, and the Secretary of State shall forward a copy thereof, to the clerk of each circuit court.

## CHAPTER LXIII.

An Act taxing individual stock in the several Branches of the State Bank of Indiana, and for other purposes.

[APPROVED, JANUARY 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That all stock in any of the branches of the State Bank of Indiana, other than that owned by the State of Indiana, shall be subject to the same ratio of taxation for state, county, road, and other purposes, as other capital not exceeding one per cent., including the twelve and a half cents per share set apart as a permanent school fund: *Provided*, Such tax shall only be assessed on such <sup>Bank stock to be taxed as other property.</sup>



portion of said stock as shall have been paid in, and on account of which the stockholder shall not be indebted to the State.

How assessed.

SEC. 2. The said stock shall be assessed to the stockholders in the county where they shall reside, except in cases of stock owned by non-residents of this State; in which case the stock shall be assessed in the county in which such branch shall be located, to such non-resident stockholders; and the cashier of such branch shall furnish the assessor of his county with the names of each non-resident stockholder, and the amount of taxable stock held by each, to be by said assessor placed upon his assessment roll, under the head of "bank stock."

Penalty against cashiers.

SEC. 3. That any cashier who shall fail or refuse to perform the duties required of him by the second section of this act, shall upon conviction thereof by presentment or indictment, be fined in any sum not exceeding three thousand dollars.

Commissioners of sinking fund to cancel advance of 4th instalment, &c.,

SEC. 4. That the commissioners of the sinking fund be, and they are hereby authorized to satisfy and cancel the advance of the 4th instalment of surplus revenue of the United States by the branches of the State Bank of Indiana, (which was vested in state stock in said bank,) by the transfer and application to said branches of any excesses of the state's stock in said bank over and above what was pledged by a law of last session for the payment of the State's loan for banking purposes, and by an act of this session for the redemption of treasury notes, and of any excesses of the State's dividends on her stock over and above paying the semi-annual interest on the said state loan for banking purposes; and from the time such advance is thus paid for, the said state stock thereby created, shall with its dividends, remain and enure to the State.

Repeal.

SEC. 5. All laws and parts of laws coming in conflict with the provisions of this act be, and the same are hereby repealed.

SEC. 6. This act to take effect and be in force from and after its passage.

## CHAPTER LXIV.

An Act to create the seventeenth branch bank district.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That branch bank district number seventeen <sup>Seventeenth district.</sup> be composed of the counties of Clark, Scott, and Jackson; and that the directors of the State Bank for the time being be, and they are hereby authorized and empowered to locate one branch of said bank at such time and place within said district, as they may deem expedient.

SEC. 2. That like proceedings shall be had in organizing said branch as are prescribed by law for organizing <sup>Organization of.</sup> other branches, and that the state stock therein be obtained in the same way, and paid over under the same restrictions and regulations as are prescribed for the other branches: *Provided*, That nothing herein contained shall prevent the board of state directors from paying the same out of the sinking fund of the State, or any surplus funds under their control; *And provided also*, That until said branch is organized, the said counties shall continue attached to the districts in which they are now placed.

## CHAPTER LXV.

An Act amendatory of the acts now in force on the subject of notaries public.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That, hereafter, the fees of notaries public shall be as follows, to-wit: for each protest of any note, bill, bond or other instrument in writing, the sum of fifty cents; and for each notice of such protest, the sum of twenty-five cents; *Provided*, That not more than one notice shall be chargeable for any one party to such bill, note or other instrument; and no fees shall be allowed to any notary public, for any protest on any promissory note or inland bill of exchange; nor no other fees, than the fees, for notice of non-payments.

SEC. 2. That, hereafter, no protest of any bond, bill, <sup>Protest made</sup> note or other instrument in writing, made by any officer, <sup>by officers,</sup>



&c., of a bank clerk, agent or attorney of any bank, in this State, shall be deemed of any validity or force whatever; and proof that at the time of making such protest, the notary making it, was officer, clerk, agent or attorney of any such bank, shall be sufficient to void the same.

SEC. 3. This act shall be in force from and after its passage.

## CHAPTER LXVI.

A Joint Resolution on the subject of bank directors.

[APPROVED, JANUARY 29, 1842.]

Brokers should not be bank directors.

*Be it resolved by the General Assembly of the State of Indiana,* That it is alike inconsistent with the interest of the State Bank, and branches, and the duty of said bank toward the people of Indiana, and the stockholders of the bank, that licensed brokers or others whose business is to buy and sell for profit, gold, silver, bank or other notes, bills of exchange, &c., should hold seats as directors of said bank, or any one of the branches thereof: *Be it further resolved,* That the president of the State Bank be requested to furnish the board of directors of the State Bank, and of each one of the branches, with a copy of the foregoing joint resolution.

Copy of resolution to be furnished, &c.

## CHAPTER LXVII.

An Act to amend an act, entitled, "an act to provide for distributing so much of the surplus revenue of the United States, as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved 23d of June, 1836," approved February 6th, 1837.

[APPROVED, JANUARY 31, 1842.]

County board to appoint agent.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the boards doing county business in the several counties of this State, wherein the surplus revenue has not been deposited with the banks, as provided in the act approved February 6th, 1841, shall at their March

term annually hereafter, appoint an agent to take charge of said fund, and said agent shall in all respects, not otherwise provided in this act, be governed by the act to which this is an amendment.

SEC. 2. It is hereby made the duty of said agent, and he is hereby required to make report semi-annually to the county auditor, and exhibit to the same his books, mortgages, notes or vouchers, of any and every description, and said auditor shall report to the board doing county business, at their next meeting, thereafter, the true situation of the same; *Provided however,* That if the auditor may in his judgment deem the fund unsafe, or finds any misconduct whatever, contrary to law, he shall immediately cause the board doing county business to be convened, and lay all the facts before them.

Duty of agent and county auditor.

Proviso.

SEC. 3. It shall be the duty of the board doing county business in the several counties of this State, as named in the first section of this act, to see that this act, and the act to which this is an amendment, be strictly complied with, and on failure to do so, each member thereof shall upon conviction before any court of competent jurisdiction, be fined in any sum not exceeding one hundred dollars nor less than twenty dollars.

Duty of county board.

SEC. 4. When any agent, as provided for in this act, shall fail to comply with his duties as required by this act, and the act to which this is an amendment, the board doing county business shall have power to remove him and appoint a successor; and all losses sustained by the misfeasance or malfeasance of such agent, shall be paid by him immediately to his successor, on failure to do which, the county auditor shall immediately bring suit for the deficit against him and his securities, and any judgment so obtained shall not be subject to any stay of execution.

Board may remove agent, &c.

SEC. 5. The judges of the several circuit courts shall give this act in charge to the grand jurors at each term of their respective courts.

Act to be given in charge to grand jury.

This act to take effect and be in force from and after its passage, and the Secretary of State shall cause a copy of the same to be furnished the several county auditors of this State.



## CHAPTER LXVIII.

A Joint resolution on the subject of a resumption of specie payments, and for other purposes.

[APPROVED, JANUARY 31, 1842.]

Treasury notes authorized to be issued to pay bank debt.

SEC. 1. *Be it resolved by the General Assembly of the State of Indiana*, That the Treasurer of State be, and he is hereby authorized and required immediately to cause to be prepared and issued, an amount of treasury notes of the State of Indiana, to be signed by the Treasurer and Auditor of State, in sums of five dollars, payable two years after date, sufficient to meet the indebtedness of the State, to the various branches of the State Bank of Indiana for payments for internal improvement purposes; and the Treasurer is hereby required to pay over, as soon as said notes are executed, to said branches the full amount of such indebtedness up to the time of such payments, such notes to bear interest at the rate of five per cent. per annum, from the day the interest ceases thereon of six per cent. at the branches by the reception of said notes, and to be receivable at any time in payment of either principal or interest of any of the debt due the State, for loans through the commissioners of the Sinking fund (including that portion of the third instalment of the surplus revenue not vested in bank stock) except on mortgages taken of the stockholders of the branches, for the loan of the State for their stock payments; and the said mortgages given to secure loans of the sinking fund, and the portion of the third instalment of the surplus revenue as aforesaid, are hereby irrevocably pledged and set apart for the final redemption of the treasury notes issued under and by virtue of the provisions of this act.

Fund pledged for redemption of treasury notes.

Notes to be cancelled.

SEC. 2. That upon the receipt of any of said treasury notes in liquidation of any of said debts to the Sinking fund or of the surplus revenue as aforesaid, the same shall be delivered to the Treasurer of State, who after entering the return of such notes on the register of their issue, shall in the presence of the Auditor of State, and after their certifying on such register that they have duly compared the same, cancel them in the same manner as is provided in relation to the cancelling of other treasury notes, heretofore issued.

Expense of issue, how paid.

SEC. 3. The expense of filling, signing and issuing of said notes shall not exceed that to be allowed for issuing the canal land scrip, authorized to be issued by the present legislature, and shall be paid by the commissioners of

the sinking fund, out of the proceeds of loans in their hands, of the State, as well as the cost of the engraving thereof, on the order of the Treasurer of State.

SEC. 4. That the said treasury notes shall be receivable for all dues whatsoever to the State, except for the Wabash and Erie canal lands; and upon the same being received by the Treasurer of State, he shall be entitled to demand of and receive from the commissioners of the sinking fund, a transfer of an equal amount of the mortgages of the State, pledged for the redemption of said notes by the first section of this act; which mortgages shall thereafter be collected by said Treasurer, for the State.

Notes receivable for state dues.

SEC. 5. That every branch of the State Bank of Indiana shall be required to receive the treasury notes issued under and by virtue of the provisions of this act, in payment of any debt or debts accruing to said branch or branches, for which any of said notes were loaned or paid out, whether the same was paid out or loaned by said branch or not, and any branch loaning or receiving such treasury notes, shall not be entitled to receive nor required to allow any interest thereon, but the same shall be received by such branch at their face.

To be received by branches on all debts for which they were loaned.

SEC. 6. That the collections of the mortgages in the hands of the commissioners of the sinking fund, pledged in the first section of this act, shall from time to time, when the same is paid in other funds than such treasury notes, be applied in liquidation of any of such notes that may be on hand in any of said branches to which the State is now indebted.

Collections on mortgages to s. fund to applied, &c.

SEC. 7. That if after the fifteenth day of June next any branch of the State Bank of Indiana shall suspend or refuse payment in gold or silver coin of any of its notes, bills or obligations due, or payment of any moneys received upon deposit, if demanded within the usual banking hours, at the proper branch where the same is payable, according to the contract, promise or undertaking therein expressed, it shall be the duty of the board of directors of said State Bank to cause any such branch thus refusing as aforesaid to be closed, as in case of insolvency; and upon failure of such state directory so to do, the Governor of the State, upon such fact being established by affidavit, is hereby required to cause a *scire facias* to be sued out of the Marion circuit court, in the name of the State, against the branch or branches so refusing specie payments as aforesaid, to be served on the President of said branch so refusing payments as aforesaid, and the proceedings thereon shall be the same, as to such branch or branches, as is prescribed by the 26th section of the "act establishing a

Resumption of specie payments.

*Scire facias*.



Proviso.

State Bank, approved January 28th, 1834," and the judgment of the court thereon shall only affect the branch or branches so refusing specie payments as aforesaid: *Provided, however,* That if the Banks of Ohio, Illinois, Kentucky or Michigan, or either of them shall not on or before the said 15th day of June next, redeem their liabilities in specie, then a refusal to pay specie by any branch or branches of the said State Bank of Indiana, when their notes or other liabilities are presented for payment by any such Bank, not herself paying specie, or by the attorney or attorneys, agent or agents thereof, for the use or benefit of said bank or banks, or by any resident or residents of this or any other State who may wish to carry or send said specie so demanded without the State, for purposes of sale or traffic, shall not be sufficient cause for the closing of said branch or of issuing the said *scire facias* by the Governor of said State.

Rates of exchange.

SEC. 8. That the rates of exchange to be charged by any of the branches of said State Bank of Indiana on bills of exchange, checks or drafts, until an unconditional resumption of specie payments take place by said branch or branches shall not exceed five per centum premium when drawn on and payable at any point exceeding three hundred miles from the branch thus selling said bills, checks or drafts, and shall not exceed three per centum premium on bills, checks or drafts drawn on and payable at any point within a less distance of [than] three hundred miles from the branch thus selling such bill, check or draft, and all contracts whereby a greater rate of exchange is received by any branch or branches of said Bank, shall be, and they are hereby declared usurious and void, as to the whole contract; and the whole amount for which such bill, check or draft may have been sold by said branch or branches, may be recovered by the purchaser or purchasers thereof, by suit brought in any court of competent jurisdiction within this State.

This act to be in force from and after its passage.

## CHAPTER LXIX.

An act to repeal part of "an act converting the sinking fund, saline fund, college fund, surplus revenue fund, and State Bank school fund into Bank stock," approved February 15, 1841.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the act entitled "an act to amend an act, approved February 6, 1837, entitled an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved June 23d, 1836," approved February 15, 1841, be, and the same is hereby repealed, except so much thereof as secures to the bank the privilege of issuing small notes, in consideration of the services to be rendered in the management of such funds as have been received by the banks, and which the bank does not refund; *Provided,* That the bank shall, from and after the fifteenth of June next, redeem the said small notes in specie, on demand, at their counters; and on failure so to do, the Governor shall cause a *scire facias* to be issued against the bank, to shew cause why its charter shall not be declared forfeited.

Act repealed except that part authorizing the issue of small notes.

SEC. 2. That so much of said funds, or either of them, as may have been transferred or paid into said bank or branches, or either of them, together with all notes, bonds, mortgages, or other obligations relating thereto, may be returned by said branches, or either of them, to the commissioner or other officer from whom the same were transferred, to be by such commissioner or other officer disposed of according to law; or in case any or all of said branches shall neglect or refuse to return any one or all of said funds, then, and in that case, the same shall remain, be kept, and disposed of by such branch or branches, in the same manner and under the same restrictions and limitations in all respects, as are provided for by the act under which the same were received: *Provided,* That nothing in this act shall be so construed as to require any county that may have decided to convert its portion of the surplus revenue into bank stock to resume the same, but the same may be collected and managed in all things as is now provided by law.

Branches may return funds, &c.

Proviso.

SEC. 3. This act to take effect and be in force from and after its passage.



## CHAPTER LXX.

An Act to repeal so much of a law passed February 15, 1841, as provides for converting the college fund into bank stock, and other matters therein contained.

[APPROVED, JANUARY 31, 1842.]

Repeal.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of section first of an act entitled an act to amend an act approved February 6, 1837, entitled an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved June 23d, 1836, approved February 15, 1841, as provides for vesting the College fund in Bank stock, be, and the same is hereby repealed.

Repeal.

SEC. 2. *And be it further enacted*, That so much of section ten of the above named act as makes it the duty of the Treasurer of State to pay over to the bank, or any of its branches, the whole or any part of said College fund, be, and the same is hereby repealed.

Act revived.

SEC. 3. *And be it further enacted*, That the act entitled an act to authorize the loaning of the College fund, approved February 17, 1838, be, and the same is hereby revived, with the exception of the 17th section of said act.

## CHAPTER LXXI.

An Act to authorize agents of the surplus revenue and others to dispose of lands by them bid off on behalf of the State.

[APPROVED, JANUARY 27, 1842.]

Agents, &c.  
to sell property  
bid off, at  
private sale.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That any agent or commissioner bidding in real estate under the provisions of an "act amendatory to an act subjecting real and personal estate to execution," approved February 4, 1831, is hereby authorized to sell the same at private sale for the best price that can be had, not less than the sum for which such lands were originally sold on mortgages, inclusive of all interest, penalties, and costs that have accrued thereon.

Sale to be on  
credit.

SEC. 2. Said agents or commissioners shall sell the said lands upon a credit of five years, by the purchaser

paying one-fifth of the price agreed upon at the time of sale, with legal interest on the residue annually in advance.

SEC. 3. The agents or commissioners aforesaid on receiving the first payment, shall give to the purchaser a certificate of sale, setting forth the amount or price agreed upon, and the conditions of the purchase, which shall give to the purchaser immediate right of possession, and when full and complete payment is made by the purchaser, the agent or commissioner shall execute a deed therefor to the purchaser, his heirs or assigns, in the name of the State of Indiana, county, township, or school district, as the case may be, which shall vest in them all the right, title and interest of the original owners.

SEC. 4. Upon a failure of the purchaser to pay the interest or principal, or any part thereof, within six months after the same becomes due and payable, the land, with all previous payments made thereon, and the contract of sale therefor shall be forfeited; and in such case, the proper agent or agents shall file their bill in chancery in the proper circuit court, to foreclose the equity of the defendant or defendants, and to subject said real estate to sale on execution for payment of the amount which may be found due of the said purchase money, interest and costs of suit, in the same manner as is directed by law for foreclosure of mortgages.

SEC. 5. That such agent shall have full power and authority to lease any and all lands and tenements purchased under the provisions of the act to which this is an amendment, accounting for rent received as other funds coming to his hands as such agent.

Agents may  
lease lands,  
&c.

SEC. 6. This act to be in force from and after its passage.

## CHAPTER LXXII.

An Act to provide for increasing the stock of the present stockholders in the South Bend branch of the State Bank.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That so soon as the private stockholders of the South Bend branch of the State Bank shall have paid forty thousand dollars on the stock subscribed by

Twenty thousand dollars of  
sinking fund  
to be loaned to  
stockholders,  
&c.



them, it shall be the duty of the commissioners of the sinking fund to loan to said stockholders twenty thousand dollars, to be paid out of the interest and principal that may be received by the said commissioners upon mortgages heretofore given to the State for loans of similar character and description, on the terms specified in the nineteenth section of the bank charter; and said twenty thousand dollars shall be paid into the said branch as increased stock therein on behalf of said stockholders; *Provided, however,* That the said stock paid for by the sinking fund, shall be subject to taxation as other stock that may have been fully paid in.

Proviso.

Stock to be consolidated.

SEC. 2. The directors of the State Bank are hereby authorized to provide for the consolidation of the stock held by private persons in said branch, so that there shall be twelve hundred shares of fifty dollars each, all of which shall be fully paid up.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER LXXIII.

An act for the relief of the borrowers of the sinking fund, surplus revenue and other funds, and for the better securing the payment thereof.

[APPROVED, JANUARY 29, 1842.]

Time of payment extended.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be, and is hereby made the duty of the agents or commissioners of the sinking fund, surplus revenue fund, saline fund, college fund and school fund, to extend the time for the payment to the borrowers of said funds, five years from and after the first day of January, 1842, on the present mortgages, if deemed sufficient: *Provided, however,* That in cases where any such funds are loaned on personal security, the borrower shall be entitled to the extension of time hereby contemplated, by giving a new note, bond or obligation with security to the acceptance of such agent or commissioner, or by executing a mortgage on real estate, according to the laws now in force.

Additional security.

SEC. 2. In all cases where the security by mortgage or otherwise shall at any time be deemed insufficient by said commissioner or agent, the borrower or subsequent purchaser of the mortgaged premises, or other person in-

terested, shall on reasonable notice give satisfactory additional security, and on failure so to do, shall be deprived of all the benefits of this act; and said loan shall be deemed and taken as due, and suit shall be commenced thereon, or the premises sold, according to the provisions of the law now in force.

SEC. 3. In all cases where any lands have been purchased by the State of Indiana, on any sale made on mortgages given for loans from either of said funds, the original mortgagor, his heirs or assigns, shall be allowed to redeem the same at any time within six months from the passage of this act, by securing to the satisfaction of said commissioner or agent the amount which was due upon such mortgage at the time of sale, and by the payment of the interest and all costs due thereon, payable in five years from the time of redemption, the interest to be charged at the same rate of the original mortgage, and payable annually in advance.

Lands sold may be redeemed.

SEC. 4. The rate of interest to be charged on the loans extended under the provisions of this act, shall be the same as on the original loan, and shall be payable annually in advance.

Rate of interest.

SEC. 5. The first and second sections of this act shall not extend to the loans of the surplus revenue funds in the counties in which said fund has been placed in and may be continued in the bank.

Surplus revenue, &c.

SEC. 6. This act shall be in force from and after its publication in the Indiana Journal and State Sentinel.

## CHAPTER LXXIV.

An Act for the relief of the borrowers of the sinking fund, surplus revenue fund and other funds, and for the better securing of the payment thereof.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be and is hereby made the duty of the agents or commissioners of the sinking fund, surplus revenue fund, saline fund, college fund and school fund, to extend the time for the payment to the borrowers of said funds, five years from and after the first day of January, 1842, on the present mortgage, or other security, if deemed sufficient, or otherwise on satisfactory additional se-

Agents and com'rs extend time five years.



curity, whenever such extension shall be desired by the borrowers.

Rate of interest.

SEC. 2. The interest to be hereafter charged and payable upon said loans shall be, and is hereby reduced to the rate of seven per cent. per annum, payable annually in advance, except loans from the common school fund, upon which the interest shall be reduced to eight per cent.

Additional security when required.

SEC. 3. In all cases where the mortgage security for any such loan shall at any time be deemed insufficient by said commissioner or agent, the borrower or subsequent purchaser of the mortgaged premises, or other person interested, shall on reasonable notice, give satisfactory additional security, or on failure to give such additional security, or to pay the amount of his indebtedness, such borrower shall be deprived of all the benefits of this act, and in such case, the principal sum may be collected with interest at the rate stipulated for by the original contract.

Forfeited lands heretofore sold may be redeemed.

SEC. 4. In all cases where any lands have been purchased by the State of Indiana, on any sale made on mortgages given for loans from either of said funds, the original mortgagor, his heirs and assigns, shall be allowed to redeem the same, at any time within six months from the passage of this act, by securing to the satisfaction of said commissioners the amount which was due upon such mortgage at the time of the sale, exclusive of any costs or penalty, which amount, with seven per cent. interest thereon from the time of sale to the time of redemption, shall be made payable within five years from the time of redemption, with interest at the rate of seven per cent. per annum, payable annually in advance.

Further time given, if lands not sold.

SEC. 5. Whenever the lands mortgaged as security for any of the funds mentioned in this act have forfeited and been offered for sale, but not sold for want of bidders, in each and every such case, the mortgagee [mortgagor] or borrower shall have all the privileges of this act as though said forfeiture had not taken place or said lands been offered for sale by the said mortgagor or borrower, giving the accustomed mortgage security; *Provided*, That nothing in this section shall be so construed as to affect the present rate of interest on the surplus revenue, college and common school funds.

Five years to pay judgments.

SEC. 6. All judgments that are now rendered upon surplus revenue bonds, the judgment defendants shall be, and they are hereby allowed to discharge the same, by filing bond with security to the acceptance of the authority having charge of the said judgments for the full amount thereof, payable in five years from the date of said bonds, together with interest at the rate of eight per cent. annu-

ally in advance; and so soon as said bond is filed and approved of as aforesaid, the agent or person having charge of said judgment shall immediately enter satisfaction thereof upon the record of the court in which said judgment was rendered.

SEC. 7. The defendant in any judgment obtained by School fund. the school commissioner of any county for any money loaned, shall have the benefit of this act, by giving sufficient security.

SEC. 8. So much of the second section of the act entitled an act regulating the interest of money in the State of Indiana, approved, February 1, 1831, as allows a higher rate of interest than six per centum per annum be, and the same is hereby repealed. Interest on all debts reduced to 6 per cent.

SEC. 9. That the provisions of this act, so far as they relate to the reduction of interest, shall not be extended to the county of Union. Union county excepted.

SEC. 10. And that all laws passed at this session authorizing a greater rate of interest than seven per cent. on the college and surplus revenue funds, and eight per cent. on the common school fund, be, and the same are hereby repealed. College and other funds seven per ct.

SEC. 11. This act shall take effect and be in force from and after its passage.

## CHAPTER LXXV.

An Act prescribing the duties of the quarter-master general and fixing his rank and compensation.

[APPROVED, JANUARY 24, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the quarter-master general to take from the commandants of companies bonds with good and sufficient surety for the safe keeping and return of all arms and equipments which may hereafter be distributed to volunteer or militia companies, in an amount double the cost of the arms so distributed; and that said bonds shall be made payable to the State of Indiana, for the use and benefit of the same, and recoverable as other bonds of like amount are by law recoverable, but without stay of execution. Qr. master general to take bond for arms hereafter to be delivered.

SEC. 2. It shall further be the duty of the quarter-master general to require from the commanding officer of Bonds for arms heretofore delivered.



every company to which public arms have heretofore been assigned, bonds in like manner, to be executed for their safe keeping and return; and in case of refusal to execute such bond, the quarter-master general shall cause such arms to be forthwith surrendered and returned to the armory at the seat of government.

Officer when released.

SEC. 3. Any officer having given bond shall be released on his successor entering into office and giving bond, until which time he shall have the control of the arms and accoutrements.

Commandants of companies to inspect arms and make returns.

SEC. 4. It shall be the duty of the commanding officer of every company to which arms have been, or hereafter may be assigned, to carefully inspect and make semi-annual returns to the quarter-master general, of the arms and accoutrements in the possession of his company; and on failure of any commanding officer to make such return the quarter-master general may, if he deem it expedient, order the arms of the company under the command of the delinquent officer to be surrendered and forwarded to the public armory.

Military stores not assigned to the militia to be transmitted to seat of government.

SEC. 5. It shall be the duty of the quarter-master general to cause to be transported to the seat of government, and there deposited in some safe building, all the military stores which now are, or hereafter may be in the possession of the State, (except such as have been assigned to the militia) that they may be under his immediate supervision; and he is hereby authorized to procure a building, at a rent to be approved of by the Governor and adjutant general, to be used as a public armory.

Repeal.

SEC. 6. That all laws and parts of laws conflicting with the provisions of this act, be, and the same are hereby repealed.

Rank.

SEC. 7. The quarter-master general shall hold the rank of brigadier general; he shall be entitled to the sum of \$100 annually as a compensation for all his services as quarter-master general.

SEC. 8. This act to take effect and be in force from and after its passage.

## CHAPTER LXXVI.

An Act to amend an act entitled an act to organize the militia of Indiana, approved February 10, 1831.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the citizens liable to do duty or be enrolled in the militia of this State, be, and they are hereby authorized to form and organize, by voluntary enlistment, independent companies of cavalry, artillery, light infantry, grenadiers or riflemen, in such manner and at such time as they may think proper, each company to consist of not less than thirty-two rank and file.

SEC. 2. When any volunteer company shall be raised as aforesaid, the members thereof shall proceed, at such time and place as a majority of them may designate, to the election of officers for such company.

SEC. 3. Before proceeding to such election there shall be elected by a majority of the members present of any such company, a clerk, who shall act as roll clerk of such elections, and keep an accurate account thereof, and of the doings of the company generally, and return the names of the persons elected as officers of the company, to the commander in chief; and such company, when organized, shall wear on parade such uniform as may be agreed upon by a majority of the company.

SEC. 4. It shall be the duty of the clerk of each company to keep correct rolls of all the members of said company, and correct the same from time to time, as circumstances may require, and to note all delinquencies of said members, either in attendance at the regular meetings of said company, or in the arms and equipments, or the uniform, required by law; and all delinquencies of the members of the company shall by the clerk be reported to its next subsequent meeting, and be dealt with according to law.

SEC. 5. Every member enrolled in a volunteer company shall, if he remains a citizen of the county in which such company exists, be liable to perform duty therein six years, unless sooner discharged, or relieved therefrom by a vote of the company at some regular parade; and shall be subject to such fines and penalties for nonattendance or other delinquency as the law may require, or as may, from time to time, be provided by the by-laws and regulations of said company, not inconsistent with the laws and constitution of this State.



Independent militia.

SEC. 6. The volunteer companies raised under the provisions of this act, shall be denominated the independent militia, and shall be subject to the performance of the same duty, and to the same rules and orders, not inconsistent with the provisions of this act, as the other, which shall be denominated the district militia, and in addition thereto may be ordered out for training and exercise, by their respective commandants, any number of days in each year on which a majority of the company may agree, at such place as said majority shall determine, in addition to the annual company muster, as required by the act to which this is an amendment, on the second Saturday in April in each year.

Fines, &c.

SEC. 7. No fines shall be assessed or collected or duties be required except as in this act provided.

Battalions, &c when to be formed.

SEC. 8. Whenever in any county there shall have been three or more companies of independent militia formed under this act, they shall proceed to form themselves into battalions and regiments as follows; each battalion shall consist of not less than three nor more than five companies, and each regiment of two battalions.

Officers, how elected.

SEC. 9. The commissioned and non-commissioned officers of each company shall be elected by a majority of the members present at any election; the non-commissioned officers and clerk shall be elected annually.

Judges of election.

SEC. 10. Judges of election shall be elected, and elections conducted agreeably to the act to which this is an amendment, so far as the same are not inconsistent with the provisions of this act.

Certificates made and transmitted to adj't. gen'l.

SEC. 11. All elections shall be certified by the judges thereof, and attested by the clerk. The certificate of election for company and regimental officers (excepting non-commissioned officers) shall be transmitted to the office of the adjutant general, who shall lay the same before the governor, who shall issue commissions accordingly. Judges of elections of company officers shall specify in the return of such election the description of the company for which such officer may be elected; the Governor through the adjutant general shall transmit commissions directly to the officers elected.

Com's. how transmitted.

Notice for electing lt. col. &c. when and how given.

SEC. 12. Whenever in any county there shall have been organized the requisite number of companies to form a battalion, the oldest captain in such county shall notify the other captains in writing, stating a time and place to meet for the purpose of electing a lieutenant colonel and major, whose duty it shall be to post up written notices in three of the most public places in each of their respective company bounds, directing the officers and privates of said companies to meet at the time and place specified,

for the purpose of electing said officers, which notice shall be given at least ten days previous to the day of election; and whenever in any county there is the requisite number of companies to form a regiment, the lieutenant colonel shall give notice in writing to all the captains in the county, directing them to notify the officers and privates of their respective companies (as provided for the election of lieutenant colonel and major) to meet at a time and place to be specified by said lieutenant colonel, for the purpose of electing a colonel commandant to said regiment, who when so elected and commissioned shall appoint the requisite staff officers to said regiment.

SEC. 13. All commissioned officers shall take rank agreeably to the date of their commissions respectively, and when two or more commissions of company officers in the same battalion or regiment are of the same date and grade, the rank shall be determined by lot whenever said officers are assembled at a battalion or regimental election or muster, in the presence of such officers as are in attendance.

SEC. 14. The commandants of companies shall annually lay before the governor, through the adjutant general, on or before the first Monday of May in each year, a correct abstract of the roll of the clerk, as made out and corrected at the annual April company muster, showing [the number of the members of the company,] the condition of their arms and equipments, and such other matters as may properly pertain to an accurate statement of the condition of the company.

SEC. 15. When the offices of colonel, lieutenant colonel, or major, shall become vacant, it shall be the duty of the Governor, on being informed thereof, to notify the officer highest in rank within the bounds of such regiment or battalion of such vacancy, who shall immediately proceed to cause such vacancy to be filled according to the [provisions of the] 12th section in this act made and provided.

SEC. 16. When the electors as aforesaid meet, judges of election and a clerk shall be chosen and sworn, receive the ballots between ten o'clock, A. M. and six o'clock, P. M., write the names of the voters in a poll book, and at the close of the election count the votes and proclaim the result, in the same manner as in the case of company elections, and also make out a statement of the votes given, which statement shall be certified by the judges of the election, and attested by the clerk, which certificate of election shall be transmitted to the governor, and commissions by him given and forwarded in the same manner as is herein provided in cases of elections of company offi-

Roll to be laid before the governor.

Vacancy in office of lt. col. &c. how filled.

Judges and clerk of elections and their duty.



cers; the poll books of all regimental and battalion elections, and other papers pertaining thereto, shall by the clerk of election be deposited with the adjutant of the regiment, or if there be none, with the clerk of the county.

Construction  
of act as to  
brigades, &c

SEC. 17. Nothing in this act shall be so construed as in any manner to conflict with or change the existing laws for the formation of brigades and divisions of the district militia, excepting so far as said laws may come in conflict with the express provisions of this act.

Contest of  
election.

SEC. 18. All contests of the election of any commissioned company officer shall be determined by a board composed of the company officers of his own grade, belonging to the regiment, or if no regiment, to the battalion to which he belongs; and the person or persons contesting such election shall give notice to the officer of that grade oldest in commission in the regiment or battalion, as the case as aforesaid may be, of his intention to contest such election, stating in such notice the points on which he relies for such contest, and the officer so notified shall, at such time and place as he may appoint, not exceeding thirty days from the day such notice is given, convene the board, who shall hear and determine such contest agreeably to such rules of the act to which this is an amendment as shall not be inconsistent with the provisions of this act. And any person wishing to contest the election of any field officer may give ten days notice to the several captains of companies forming the regiment, or if there be no regiment, then of the companies forming the battalion, to which such officer, whose election is contested, may belong, to convene at the county seat of the proper county, to hear the evidence to be submitted in the case of such contest; also giving the person whose election is to be contested ten days notice of the time of hearing such evidence, and submitting to him all the points and matters relied upon for contesting his election; which commandants of companies when so convened shall constitute a board to hear all the evidence so to be submitted, which evidence shall, by a clerk appointed for that purpose by said board, be written down in full, which evidence when so made out, shall by said board be sealed up and forwarded to the Governor, who shall decide thereon, and notify the president of said board who shall be the captain oldest in commission, and who shall forthwith inform the parties to said contest of the decision of the Governor; and a commission shall be forwarded or new election ordered, as by the Governor shall be determined in the premises.

SEC. 19. Commandants of companies shall at the company musters in April in each year, make out a return of the strength of their respective companies, and after having copied the same into a book to be kept for that purpose, shall deliver the same to the commandants of their respective regiments, or battalions if there be no regiment in the county, on or before the first day of May, and commandants of regiments or battalions, as the case may be, shall make return of their respective regiments or battalions to the Governor, through the adjutant general, on or before the first day of June, annually.

Annual return  
of strength to  
be made

SEC. 20. Whenever the Governor is duly notified of the complete organization of any company, under the provisions of this act, by the commandant thereof, and of the kind of arms and equipments adapted to said company, it shall be his duty forthwith to direct the quarter-master general to cause such number and kind of arms and equipments as may be required by said company to be delivered to the commandant of said company, causing the officer to whom the same may be delivered to acknowledge the receipt thereof.

Arms to be  
furnished.

SEC. 21. In the organization of the independent militia under the provisions of this act, into brigades and divisions, they shall be subject to the provisions of the act to which this is an amendment, so far as the same does not conflict with the provisions of this act. All regiments and companies shall be numbered in the order of the date of the commissions of their respective commandants, or of their rank.

Provisions of  
former act, &c

SEC. 22. Each company organized under the provisions of this act may adopt a name, and by such name shall be constituted a body corporate and politic, and may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts of law and equity, in reference to all the rights and interests thereof; and may from time to time adopt such by-laws as may be deemed necessary for their proper organization and government, not inconsistent with the laws of this State: *Provided*, That nothing in this section shall be so construed as to prevent the Legislature from amending and repealing this act at pleasure at any time.

Corporate  
name.

SEC. 23. All acts and parts of acts coming within the purview of this act, be, and the same are hereby repealed. This act to be in force from and after its passage.

Repeal.



## CHAPTER LXXVII.

An Act to amend the several acts for the regulation of the State Prison.

[APPROVED, JANUARY 31, 1842.]

Site for a new prison.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Governor be, and he is hereby authorized to purchase on behalf of and for the said State, a suitable site for a State Prison in the vicinity of, but outside the incorporated limits of the town of Jeffersonville, to contain not less than ten nor more than twenty acres of land; and that the sum of one thousand dollars be, and the same is hereby appropriated for that purpose; and the Treasurer of State is hereby directed to pay over to the Governor, on the warrant of the Auditor, the amount of such purchase money as soon as the Governor shall certify to him that a conveyance of the land has been made to the State, which conveyance shall vest in the State an absolute and unqualified title, not subject to rent, reversion, or other contingencies.

Plan.

SEC. 2. That as soon after such purchase as he conveniently can, the Governor shall procure and adopt a plan for a State Prison, to be erected on the new site, and forthwith to contract for the erection of at least one wing of cells, sufficient for two hundred inmates, to be enclosed with a sufficient brick wall, for which purpose five thousand dollars be, and the same are hereby appropriated.

Gov. to compound with superintendents.

SEC. 3. That the Governor be authorized to compound with the present superintendents in relation to their contract, on the best possible terms for the interest of the State, or so modify or rescind it, with their assent, as to put it in the power of the State to avail herself of the labor of the prisoners in the erection of the contemplated new prison, together with such materials of the old one as may with advantage be wrought into the new.

Convicts to labor on new prison.

SEC. 4. That if any definite arrangements be made with the superintendents as contemplated in the 3d section of this act, such proportion of the prisoners as may be usefully employed on the new prison, shall labor thereon, under the direction of the superintendents; and in case no such arrangement can be made, the Governor is authorized to contract with them for their employment on the new prison, of such number of the prisoners as the interest of the State may in his opinion require, to be worked in like manner under the management of the superintendents.

SEC. 5. That in case no modification or rescision of the present contract can be effected on reasonable terms, the prisoners shall be all worked within the walls of the prison; and should the superintendents violate this restriction, by working any or all of them outside the walls, such violation shall be sufficient authority to the Governor to remove the superintendent from their office, and the custody and government of the prison and prisoners; and to appoint another in their stead, under such stipulations as to avail the State of the labor of the convicts on the new prison as aforesaid; and in no case shall it be lawful for the superintendents to work the prisoners outside of the walls of the prison, except at labor connected with the building of the new prison; and in case of a violation of this provision, the superintendent shall be liable to removal, as is above provided for.

Convicts to be worked within the walls, when.

SEC. 6. That it may be lawful for the present superintendents to resign their office as such superintendents, by giving notice thereof to the Governor, who shall forthwith communicate the same to both houses of the General Assembly if in session, and if not so in session, the Governor shall appoint a superintendent to serve until ten days after the commencement of the next session, and in either case the vacancy shall be filled by joint ballot of both houses thereof.

Present superintendents may resign.

SEC. 7. And in case no resignation takes place, it may be lawful for the securities or any one of them to notify the Governor that they or he are or is desirous to be discharged from further liability on the official bond of said superintendents; and thereupon it shall be the duty of the Governor to notify said superintendents thereof, and to require of said superintendents a new bond and sureties according to law; and upon giving said bond, the bond now existing shall from thenceforth be cancelled. But should said superintendents, on notice from the Governor as aforesaid, fail to give bond and security as aforesaid, then it shall be lawful for the Governor to appoint a superintendent, as is provided in section six hereof, who shall give bond and security as is there required, and from thenceforth said bond now in existence shall be cancelled; *Provided*, Said securities shall not thereby be discharged from liabilities occurred [incurred] on said bond up to the giving of said second bond.

Securities may be discharged.

Proviso.

SEC. 8. *Provided* that in case of the resignation or other disqualification of either or both of the present superintendents, all the materials on hand and all the tools and implements on hand, which are necessary to carry on the business of the prison, shall be taken by their successor if required by said superintendents, at a fair valua-

Successor shall take materials, &c. on hand.



tion, to be ascertained and estimated by two disinterested persons, to be appointed by the Governor, (and in case of their disagreement they shall choose a third) to be paid for by the successor of said superintendents, in two equal instalments, of six and twelve months, from the valuation aforesaid.

Resignation of  
either of pr.  
superintend-  
ents, the other  
to continue,  
&c.

Proviso.

SEC. 9. That should such resignation take place by either of the present superintendents, it shall be lawful for the remaining one to continue as such superintendent until the first day of April, 1842, and shall give bond and security, according to the provisions of the law now in force, and the existing bond shall be given up to be cancelled; *Provided*, The superintendent so resigning shall be allowed the full amount of his profits, up to the date of his resignation, and the remaining superintendent shall in like manner be allowed his full profits up to said first day of April, 1842.

Profits, how  
estimated.

SEC. 10. That in case of any resignation as aforesaid, the amount of profits due to said superintendents shall be estimated and ascertained by some discreet and competent person, to be appointed by the Governor, whose award in the premises, certified to the Governor and the party, shall be final, and the amount so found due shall be paid out of any money in the treasury not otherwise appropriated, which amount shall be placed to the credit of the State, on the books of the prison.

Vacancy.

SEC. 11. That upon the expiration of the term of the present superintendents, their removal, or resignation, the vacancy shall be filled with one individual who shall be sole superintendent, and shall give bond and security as is required by the laws now in force.

Regimen, &c.  
for the sick.

SEC. 12. That the superintendent or superintendents shall, in case of the sickness of any prisoner, direct the steward, or other proper officer, to procure such regimen, diet, and attendance for him as the physician shall prescribe; and the steward aforesaid shall be selected by the physician, who shall be under the control of said physician.

Board of in-  
spectors.

SEC. 13. That the physician and clerk of the prison shall be so far considered and authorized to act as a board of inspectors as to prevent the infliction upon the prisoners of any unnecessary, cruel, or inhuman punishment, or punishment greatly disproportioned to the offence; and for that purpose may adopt general rules on the subject for the guidance of the superintendents, but no such rules shall altogether forbid a resort to corporeal punishment when necessary.

Salary of  
clerk.

SEC. 14. That hereafter the salary of the clerk shall be eight hundred dollars per annum.

SEC. 15. That it shall be the duty of the clerk to purchase such medicines and hospital stores as he shall deem necessary, and for which purpose the sum of one hundred dollars per annum is hereby appropriated, to be paid out of the profits of the prison; and he shall also, in conjunction with the superintendent, employ such medical attendance Physician as the health of the prisoners shall require; and the physician so employed shall be allowed such compensation as the said clerk and superintendent shall deem reasonable, not exceeding two hundred and fifty dollars per annum.

SEC. 16. That so much of the act to which this is an Repeal. amendment as comes within the purview of this act, be, and the same is hereby repealed.

This act to be in force from and after its passage.

## CHAPTER LXXVIII.

An Act to define more particularly the duties of the commissioner of the three per cent. fund in Daviess county.

[APPROVED, DECEMBER 23, 1841.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the commissioner of the three per cent. fund of Daviess county to hand over immediately to his successor in office, all his books, papers and moneys in his hands which pertain to his office in any respect whatever; and upon any commissioner or commissioners of the three per cent. fund of said county refusing to do so, it shall be the duty of the county board of said county to institute suit in the name of the State of Indiana, upon the bond of such commissioner or commissioners in the circuit court of the proper county, and upon conviction thereof, such commissioner or commissioners shall be fined in any sum not less than five hundred dollars and not more than one thousand dollars: *Provided, however*, That it shall be the duty of the said county board of said county at their May or next succeeding term in each and every year, either by themselves or agent, to examine critically into the condition of the said three per cent. fund, whether any part of said fund has been applied to any commissioner's private use, or whether the funds have been misapplied in any other respect.

Books, &c. to  
be handed  
over to suc-  
cessor.

Proviso.

SEC. 2. The said county board of Daviess county shall have full power in order to carry into effect the first sec- county board.

Power of



tion of this act, to send for persons and papers, to hear witnesses and determine the case: *Provided, however,* That either party shall have the right of an appeal to the circuit court of said county, upon complying with the law in force upon appeals from inferior courts.

SEC. 3. This act to be in force from and after its passage.

### CHAPTER LXXIX.

An Act amendatory of an act entitled "an act to provide for the settlement of accounts of commissioners of the three per cent. fund in the several counties," approved February 4, 1837.

[APPROVED, JANUARY 29, 1842.]

Report to  
county board  
annually.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it is hereby made the duty of each and every commissioner of the three per cent. fund to make an annual report of the condition of such fund, setting forth a regular and detailed statement of all the receipts and expenditures of such fund since he has been in office, at the first term in each year, under oath, to the board doing county business of the proper county; and any commissioner failing to report at the time and in the manner as required above, shall upon indictment be fined in any sum not less than two hundred dollars for every such failure, and it shall be the duty of the circuit courts to give this act specially in charge to grand juries.

Penalty for  
failing to re-  
port.

County board  
may remove  
com'r.

SEC. 2. That the board of county commissioners, whenever the acting commissioner shall neglect to make the report as required in the preceding section, or whenever they may think [the] interest of the county requires it, are hereby authorized to remove such commissioner and to appoint some one in his stead.

Repeal.

SEC. 3. That the third section of the act to which this is an amendment, be, and the same is hereby repealed.

SEC. 4. This act to be in force from and after its publication.

### CHAPTER LXXX.

An Act for the further relief of purchasers of the seminary lands in the counties of Gibson and Monroe.

[APPROVED, JANUARY 22, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the provisions of the act entitled "an act extending the time of final payment of the seminary lands, and for other purposes, approved February 7th, 1835," be, and the same is hereby extended to the further period of five years from and after the time limited in said act, on the prompt payment of the interest in advance, agreeably to the provisions of the law under which the same was sold: *Provided, however,* That they pay the same rate of interest that now is or hereafter may be required of borrowers of the college fund. Time of pay-  
ment extend-  
ed.

SEC. 2. *Be it further enacted,* That an extension of time for the period of three years be granted to the purchasers of lands and lots in the reserved sections near the college, in Monroe county, sold under the provisions of an act, approved February 4th, 1837, or any other act in relation to the sale of said reserved sections, by the purchaser paying one-third of the remaining purchase money within one year after the final payment falls due, under the law which it was sold, and one third part within two, and the remaining third part within three years, paying the interest annually in advance, at the same rate as is required in the first section of this act: *Provided,* That the extension of time provided for in this section shall not be granted unless the surety or sureties for the payment of the purchase money shall first file with the commissioner his or their assent to the extension of time asked, or other good and ample security be given before such extension shall be granted: *Provided, also,* That the rights and privileges hereby extended to the original purchasers of each or either of said sections be, and the same are hereby extended to those who have purchased of and from the original purchasers, with a contract between them that the second purchaser should pay out the amount then and yet due the State, by such second purchaser giving good and sufficient security to the satisfaction of the commissioner of such reserved townships, at the same rate of interest, and under the same rules and restrictions as herein before provided. Extension to  
purchasers of  
certain lands  
in Monroe co.

This act to be in force from and after its passage.



## CHAPTER LXXXI.

An Act to prevent the forfeiture of school lands and for other purposes.

[APPROVED, JANUARY 18, 1842.]

The 18th section of act of 1841 amended as to interest.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the 18th section, second chapter, of "an act to revise and amend an act incorporating congressional townships and providing for public schools therein," approved February 17, 1838, approved February 15, 1841, be, and the same is so amended that no more than ten per cent. per annum interest shall be charged from the time any such payment of the same shall become due until the forfeiture thereof, any law to the contrary notwithstanding.

Land sold may be redeemed within one year.

SEC. 2. When any forfeited school lands shall hereafter be sold by the school commissioner, under the provisions of the above recited act, the owner thereof shall be allowed the term of one year to redeem the same, by the payment of ten per cent. interest, and all costs occasioned by such sale.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER LXXXII.

An Act providing for the sale of certain school lands in Fayette county.

[APPROVED, JANUARY 24, 1842.]

School sec. in town 13 to be sold.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the school commissioner of Fayette county shall, within the year 1842, after giving at least four weeks notice thereof in some public newspaper of said county, proceed and offer for sale to the highest bidder the fee simple of the school section in township thirteen, range thirteen, in said county.

Where and how sold.

SEC. 2. Said sale shall be held in the town of West Union, in said county, and the land shall be sold in such lots or parcels as shall correspond with the leases by which the same are now held.

Payments.

SEC. 3. The purchase money for which any portion of said section may be bid off, shall be paid as follows:

one-third in one year, one-third in two years, and the remaining third in three years, for which the purchaser shall give his notes, and the commissioner shall give each purchaser a certificate of his purchase; and when the purchaser money shall all be paid, the said commissioner shall make, to the legal holder of any such certificate, a deed in fee simple for the land covered by the certificate. Deed.

SEC. 4. Should any portion of said section fail to sell when so publicly offered, the same may be in like manner, at any subsequent time publicly re-offered, or it may be sold by the commissioner at private sale, as he may think best. But in no case shall any of said section be publicly or privately disposed of for less than the aggregate sum upon which the lessee of the same now pays interest. Land may be re-offered or sold at private sale, &c.

SEC. 5. Said notes shall draw interest from their date, and the same shall be punctually paid, at the times now designated for the payment of interest by the lessees; and in default of the punctual payment of such interest, said notes, and each of them, shall be taken as due, and may be collected in the name of such commissioner, as such, as other debts are. Interest.

SEC. 6. As a compensation for his expense and services in this behalf, said commissioner shall be, and he is hereby entitled to demand and receive for each certificate of purchase by him given, the sum of one dollar and fifty cents; and for each deed by him given, the sum of two dollars, to be paid by the person in whose favor the certificate or deed, as the case may be, shall be drawn. Comr's compensation.

SEC. 7. The money arising from the sale of said section shall forever be a permanent common school fund, for the use and benefit of the schools of said township, and it shall be loaned out by said commissioner as other school funds are for that purpose. Money, for whose use.

## CHAPTER LXXXIII.

An Act to regulate the jurisdiction and duties of justices of the peace in Lawrence county, and amendatory of the act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 17, 1838.

[APPROVED, JANUARY 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That no householder, resident in the county of Lawrence, shall be bound to answer any summons or answer in his own township. Defendant on-ly bound to answer in his own township.



## Exceptions.

*capias ad respondendum* issued by any justice of the peace in said county of Lawrence in any civil suit, in any township other than the one in which such defendant actually resides, except as follows, to-wit: First, where there is no justice in such township who can legally issue such summons: Second, where two or more persons shall be jointly, or jointly and severally bound in any contract, or liable for any injury, and shall reside in different townships in the same county, it shall be lawful for the plaintiff to commence his, her or their action before a justice of the peace of that township in which any one of the debtors or others liable may reside; and the justice before whom such action may be brought, shall issue process against such debtors, directed to any constable in his township, which process such constable shall be authorized to serve and return; and the defendant shall be compelled to answer thereto as if all the defendants resided in the township where such action was commenced: Third, in cases of trespass on personal property, it shall be lawful to commence the action in the township where the trespass was committed: Fourth, it shall be lawful for any justice in the aforesaid county to receive as bail or recognizance, or security in stay of execution, any person or persons who shall be citizens of the county where such obligations may be required, under the same rules and regulations now in force in such cases, and such bail, recognizance or security shall be made to answer, and shall be proceeded against in the same manner as if they resided in the township where such obligation or obligations was or were contracted: Fifth, and if any plaintiff, his, her or their agent or attorney shall make affidavit that he, she or they are in danger of losing his, her or their debt or demand, unless such defendant is arrested, in which case the jurisdiction of such justice shall be co-extensive with said county.

Persons may agree that a contract shall be enforced in a particular township.

SEC. 2. If the person or persons charged or to be charged in or by any bond, note, or other written obligation or contract, shall stipulate in writing that the same shall be sueable or collectable in any particular township in said county before mentioned, suit may be commenced thereon before any justice of the peace of such township in which such note, bond, or written contract shall be made payable or sueable, and such justice shall have the same power and jurisdiction in the case as if the defendant or defendants resided in said township.

Judgment on open accounts.

SEC. 3. In all actions of assumpsit founded upon open and running accounts between the plaintiff and defendant, if at the time and place appointed for the trial, the defendant shall not appear personally, or by agent or

attorney, and it appearing that said defendant was legally served with process, the justice may enter judgment against said defendant by default, and thereupon issue execution as in other cases, reserving, however, to the defendant or defendants all the rights, privileges and benefits of the 35th section of an act entitled "an act regulating the jurisdiction and duties of justices of the peace," approved February 17th, 1838.

SEC. 4. It shall be the duty of each and every justice of the peace of said county to deliver, or cause to be delivered, to the clerk of the circuit court of said county, on the first day of each term thereof, a list of all fines and penalties assessed by him, or collected of any person whatever, for the preceding six months; also a succinct statement in writing of each and every case tried before him (if any such there be) for any criminal offence, or petit misdemeanor, specifying therein the name of such person tried before him, for what offence, when committed, and whether such trial resulted in an acquittal or conviction of the person charged with the commission thereof. And it shall be the duty of the clerk of said circuit court to lay before the grand jury of said county a list of all fines so reported by said justices respectively, and also an abstract of all causes tried before said justices respectively, in which any person charged with any crime or misdemeanor was tried and convicted, or acquitted. And the clerk of said Lawrence circuit court shall annually, at the January term of the board doing county business in said county, lay before the said board a list of all fines and penalties so reported to him as aforesaid by such justices respectively, during the preceding year.

List of fines to be delivered to clerk.

Duty of clerk.

SEC. 5. All laws and parts of laws requiring justices of the peace to report to any other person, or at any other time than herein named, any fines by them assessed or collected, so far and only so far as said county of Lawrence is concerned, be, and the same are hereby repealed.

SEC. 6. This act to be in force from and after its passage.



## CHAPTER LXXXIV.

An Act for the relief of the purchasers of 16th sections of congressional townships, and for the better securing the payment thereof.

[APPROVED, JANUARY 31, 1842.]

Time of payment extended.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be and is hereby made the duty of the school commissioners of the several counties of this State, to extend the time for the payment to the purchasers of the 16th sections of congressional townships or any other land sold by the said commissioners, by virtue of an act incorporating congressional townships and providing for public schools therein, five years from and after the first day of January, 1842, on the present security, if deemed sufficient.

Additional security.

SEC. 2. In all cases where the land sold and held as security shall be deemed insufficient by said school commissioner or agent, the purchaser or the assignee shall, on reasonable notice, give satisfactory additional security, and on failure so to do, shall be deprived of all benefits of this act, and the said purchase money shall be deemed and taken as due, and suit shall be commenced thereon, according to the law now in force.

SEC. 3. This act to take effect and be in force from and after its passage.

## CHAPTER LXXXV.

An Act for the relief of certain persons therein named.

[APPROVED, DECEMBER 31, 1841.]

Time of payment extended.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That each and every purchaser of the school lands or sixteenth sections, or parts thereof, throughout the State, whose final payments for the purchase money will become due in 1842, 1843, 1844 and 1845, are hereby allowed until 1845, 1846, 1847 and 1848, being three additional years upon each purchase, for the payment of said money; said purchasers to pay the legal interest annually in advance as heretofore.

Deed.

SEC. 2. At the expiration of said additional three years with final payment having been made, the proper school

commissioners shall execute a deed to the purchaser, as now required by law: *Provided, however*, That nothing in this act shall be so construed as to prevent the Legislature from taxing said lands as other lands may be taxed in the State.

SEC. 3. This act shall take effect and be in force from and after its passage.

## CHAPTER LXXXVI.

An Act to attach an additional school district to congressional township number five, south of range number eight west, in Warrick county.

[APPROVED, JANUARY 17, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the school district heretofore created out of congressional township number five south, of range number eight west, township number five south, of range number seven west, and township number six south, of range number seven west, in Warrick county, be, and the same is hereby attached to congressional township number five south, of range number eight west, for school purposes. The said district shall hereafter be known and designated as school district number six, of township number five south, of range number eight west, and shall be entitled to all the benefits and immunities, and be governed by the same laws, rules and regulations as though the said district had been formed out of the territory of the congressional township to which it is hereby attached: *Provided, however*, If there should be already six or more districts in said congressional township, then and in that case, it shall be known and designated by the next succeeding number.

SEC. 2. The said district shall be entitled to and claim its just and equal portion of all the school funds belonging to the respective townships from which the said district was formed, and the school commissioner shall in his semi-annual dividends be governed accordingly.

SEC. 3. The proper township clerk shall forthwith appoint three district trustees in said district, in accordance with the first section of chapter eighteen of the school law, approved February 15th, 1841, who shall hold their office until the next succeeding annual election, and be governed in all matters according to the provisions of the law upon that subject.

SEC. 4. This act to take effect and be in force from and after its passage.



## CHAPTER LXXXVII.

An Act to amend an act incorporating congressional townships and providing for public schools therein, approved February 17, 1838, approved February 15, 1841.

[APPROVED, JANUARY 4, 1842.]

No stay on judgments against school com'r. &c.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That on all judgments to be rendered in any of the courts or by any justice of the peace in this State, against any school commissioner, township treasurer, or district treasurer, there shall be no stay of execution.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER LXXXVIII.

An Act to amend an act entitled an act to revise and amend an act incorporating congressional townships and providing for public schools therein, approved February 17, 1838, approved February 15, 1841.

[APPROVED, JANUARY 24, 1842.]

Term of office of township trustees, &c.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the township trustees, clerks and treasurers who now are or hereafter may be elected or appointed, under the provisions of the 9th chapter of the act to which this is an amendment, shall hold their respective offices for the term of three years from the time of such election or appointment, and until their successors are elected or appointed and qualified, except when elected or appointed to fill vacancies, in which they shall serve out the unexpired time for which their predecessors were elected or appointed, and until their successors are elected or appointed and qualified.

Suits commenced by school com'r's shall not be dismissed for defective pleading.

SEC. 2. That no suit commenced by any school commissioner, township or district trustee or trustees or other officer or person, for the benefit of any school fund shall be dismissed, on account of any defect in form or substance of the declaration, or other cause of action filed: *Provided*, the person or persons, his or their agent or attorney shall forthwith file an amended declaration or cause of action, which may be done at any stage of such action; the filing of which said declaration or amended

cause of action shall not be deemed or taken as any cause for the continuance of any such suit.

SEC. 3. That it shall not be lawful to tax up against School com'r. any school commissioner, township or district trustee or treasurer, or other such officer or person as aforesaid, or against any congressional township, any costs whatever in any cause to which they may be a party or parties. &c. shall not be taxed with costs.

SEC. 4. All laws and parts of laws coming within the purview of this act be, and the same are hereby repealed. Repeal.

## CHAPTER LXXXIX.

An Act relating to the jurisdiction of justices of the peace in actions by and against corporations.

[APPROVED, JANUARY 18, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the jurisdiction of justices of the peace throughout this State, shall extend to all cases by and against the State Bank of Indiana, and all other corporate bodies, in like manner and subject to the same restrictions and limitations as they now have by or against natural persons. Jurisdiction against corporations.

SEC. 2. The jurisdiction of justices of the peace on all actions on the case founded in tort, shall be extended to the amount of fifty dollars, except such cases as are now excepted by the act entitled "an act regulating the jurisdiction and duties of justices of the peace," approved February 17, 1838. In actions of tort.

SEC. 3. This act shall take effect and be in force from and after its publication in the Indiana Journal and State Sentinel.

## CHAPTER XC.

An Act regulating the jurisdiction of justices of the peace in the counties of Knox and Vigo.

[APPROVED, JANUARY 4, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That no person shall be bound to answer any summons or *capias ad respondendum* issued by Defendant only bound to answer in his own township



Except, &c.

any justice of the peace in the counties of Knox and Vigo in any civil suit in any township other than the one in which such defendant actually resides, except in the following cases, to-wit: 1st, where there shall be no justice in such township who can legally issue such summons; 2d, where two or more persons shall be jointly, or jointly and severally liable on any contract, or for any injury, and shall reside in different townships in said counties, it shall be lawful for the plaintiff or plaintiffs to commence his, her or their action before a justice of the peace in that township in which any one or more of said debtors or persons liable as aforesaid may reside; and the justice before whom such action shall be commenced shall issue process against such debtors or other persons liable as aforesaid, directed to any constable of his township, which process such constable shall be authorized to serve and return, and the defendants shall be compelled to answer thereto, and all such other proceedings shall be had thereon as if all of said defendants resided in the township where such proceedings were commenced.

Recognizance  
bail, &c.

SEC. 2. It shall be lawful for any justice in the aforesaid counties to receive as bail or recognizance, or as security for the stay of execution, any person or persons who shall be citizens of said counties at the time, under the same rules and regulations now in force in such cases, and such bail or surety shall be liable to answer, and may be proceeded against in the same manner as if they resided in the township where such judgment shall have been rendered.

Jurisdiction  
on affidavit of  
fear of loss.

SEC. 3. If any plaintiff or plaintiffs, his, her or their agent or attorney shall make affidavit that he, she or they are in danger of losing his, her or their debt or demand, unless such defendant or defendants is arrested, and file the same with any justice in said counties, the jurisdiction of such justice in such case shall be co-extensive with such counties.

SEC. 4. This act shall take effect and be in force from and after its publication.

## CHAPTER XCI.

An Act relative to exchange brokers.

[APPROVED, JANUARY 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the phrase "carry on or exercise the business of exchange broker," as used in the eighteenth section of an act pointing out the mode of levying taxes, approved February 12, 1841, shall not be construed to extend to those occasional acts of dealing in promissory notes, bills of exchange, or buying and selling bank notes, gold and silver, that may occur in the course of trade, but shall be limited to those who notoriously carry on or exercise the business of so doing. Brokers, who  
are considered.

This act shall be in force from and after its passage.

## CHAPTER XCII.

An Act regulating the jurisdiction of justices of the peace in the county of Jay.

[APPROVED, JANUARY 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter no person who is a householder shall be bound to answer any summons or *capias ad respondendum* issued by any justice of the peace in the county of Jay, in any civil suit in any township other than the one in which such defendant actually resides, except as follows, to-wit: First, where there shall be no justice in such township who can legally issue such summons, or other process: Second, where two or more persons shall be jointly, or jointly and severally bound in any contract, or liable for any injury, and shall reside in different townships of the same county, it shall be lawful for the plaintiff to commence his or her action before a justice of the peace of that township in which any one of the debtors or other person liable may reside; and the justice before whom such suit may be brought, shall issue process against such debtors, directed to any constable of his township, which process such constable shall be authorized to serve and return, and the defendant shall be compelled to answer thereto; and all such other proceed- Defendant  
only bound to  
answer in his  
own township.  
  
Exceptions.



ings shall be had thereon as if the defendants resided in the township where such action was commenced: Third, in cases of trespass on personal property, it shall be lawful to bring the action in the township where the trespass was committed: Fourth, it shall be lawful for any justice in said county to receive as bail, recognizance, or security in stay of execution, any person or persons who shall be citizens of the county where such obligation may be required, under the same rules and regulations now in force in such cases, and such bail, recognizance or security shall be made to answer, and shall be proceeded against in the same manner as if they resided in the township where such obligation or obligations was or were contracted: Fifth, and if any plaintiff, his, her or their agent or attorney shall make affidavit that he, she or they are in danger of losing his, her or their debt or demand unless such defendant is arrested, in which case also, the jurisdiction of the justices shall be co-extensive with the county.

Former contracts not to be affected.

SEC. 2. Nothing in [this] act shall be so construed as to embrace any case of contracts entered into previous to the passage of this act.

This act to be in force from and after its passage.

### CHAPTER XCIII.

An Act amendatory of the several acts in relation to crime and punishment.

[APPROVED, JANUARY 29, 1842.]

5th section of act of 1841 repealed and 66th section of act of 1831 revived.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the fifth section of an act entitled an act to amend an act entitled an act relative to crime and punishment, approved February 10, 1831, approved February 13, 1841, be, and the same is hereby repealed; and that the sixty-sixth section of an act relative to crime and punishment, approved Feb. 10, 1831, be, and the same is hereby revived and declared to be in full force.

SEC. 2. This act to take effect and be in force from and after its passage.

### CHAPTER XCIV.

An Act to amend an act for the relief of the poor, approved February 17, 1838.

[APPROVED, JANUARY 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the tenth, twenty-ninth and thirtieth sections of said act as requires the performance of certain duties therein named, at the annual May terms of the several boards doing county business in this State, be, and the same is hereby so far amended as to require the performance of said duties at the June terms of said court; and that so much of the tenth section of said act as requires the performance of certain other duties therein named at the November term of said court, be, and the same is hereby so far amended as to require the performance of said duties at the December terms of said courts. Act of 1838 amended.

SEC. 2. All acts and parts of acts conflicting with the Repeal. provisions of this act, be, and the same are hereby repealed.

SEC. 3. This act to be in force from and after its passage.

### CHAPTER XCV.

An Act to amend the several acts in relation to the surplus revenue.

[APPROVED, JANUARY 29, 1842.]

*Be it enacted by the General Assembly of the State of Indiana*, That the certificate of the Treasurer of State of the amount of money received by any surplus revenue agent, as such, shall be *prima facie* evidence of the amount so received in any suit which may have been or shall hereafter be instituted against such agent for any breach or neglect of his official duty. Certificate of Treasurer evidence.

This act shall take effect and be in force from and after its passage.



## CHAPTER XCVI.

An Act authorizing the State Treasurer to collect and pay over to the counties of De Kalb, Wells and Lake that portion of the surplus revenue to which the same are entitled.

[APPROVED, JANUARY 24, 1842.]

Duty of Tr. SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Treasurer of State be, and he is hereby authorized, and it is made his duty to collect the surplus revenue belonging to the counties of De Kalb, Wells and Lake, as soon as the same becomes due, and pay the same over to the agents of the surplus revenue of said counties.

Fund to be loaned. SEC. 2. The agents of the aforesaid counties are hereby authorized to loan the said fund to the citizens of their respective counties, according to an act to provide for disbursing [distributing] so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved June 23, 1836, approved February 6, 1837: *Provided, however*, That no person shall be allowed to borrow a larger amount of said fund than one hundred dollars.

Proviso. SEC. 3. This act to take effect and be in force from and after its passage.

## CHAPTER XCVII.

An Act in relation to the jurisdiction of justices of the peace in Madison county.

[APPROVED, DECEMBER 29, 1841.]

Act repealed. *Be it enacted by the General Assembly of the State of Indiana*, That an act entitled an act repealing so much of an act regulating the jurisdiction and duties of justices of the peace," approved February 17, 1838, [as relates to Madison county] approved February 4, 1841, be and the same is hereby repealed; and that so much of the one hundred and third and fourth sections of "an act regulating the duties and jurisdiction of justices of the peace," approved February 17, 1838, as relates to the county of Madison, be, and the same is hereby revived and continued in force.

Act revived.

This act shall be in force from and after its publication.

## CHAPTER XCVIII.

An Act concerning criminal practice.

[APPROVED, JANUARY 27, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all criminal cases now pending in the Supreme Court, or that may hereafter be taken to said court, when the judgment is for a fine, or for a fine and costs only, supersedeas may be awarded as in civil cases.

SEC. 2. That hereafter it shall be lawful for the attorney who may have superintended and prosecuted or defended any case, on the part of the State, in the circuit court, to appear and so do in the Supreme Court, whenever the case may be taken up on appeal or writ of error; and upon his so doing, the prosecutor of the fifth circuit shall be in such case exonerated from all attention to any such case.

SEC. 3. Upon the reversal of any judgment by which any person may be confined in the State Prison, the order of the Governor shall not be for the immediate release of the prisoner, unless the reversal be upon the merits of the case, of which fact the Supreme Court shall duly notify the Governor; or unless the term of the prisoner's confinement shall have at least one half expired, upon the receipt of the order by the keeper of the State Prison. And if the prisoner be not discharged as aforesaid, it shall be the duty of the keeper forthwith to cause the prisoner to be returned to the county where his trial was had, and delivered over to the jailor of such county for safe keeping, until the case is finally disposed of; and for so returning any such prisoner said keeper shall be allowed the same fees that the sheriff was allowed for taking him to the State Prison.

SEC. 4. That all laws and parts of laws conflicting with the provisions of this act, be, and the same are hereby repealed, and this act shall be in force from and after its passage.



## CHAPTER XCIX.

An Act to regulate the jurisdiction of justices of the peace in the county of Dubois.

[APPROVED, JANUARY 8, 1842.]

Defendants  
only sueable  
in their own  
township.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That no person shall be bound to answer to any summons issued by any justice of the peace in any other township other than the one in which such defendant actually resides, except where there is no justice of the peace in such township who could legally take jurisdiction thereof, or where there are two or more persons jointly or severally bound in an obligation, in which case they may be sued in any township where either of such defendants may reside; and that any such defendant or defendants may give the same in evidence under the general issue.

SEC. 2. This act shall take effect and be in force from and after its passage.

## CHAPTER C.

An Act regulating the jurisdiction of justices of the peace in Spencer county.

[APPROVED, JANUARY 29, 1842.]

Act extended  
to Spencer co.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of an act entitled an act regulating the jurisdiction of the justices of the peace in Fountain county, approved December 30, 1840, be and the same are hereby extended to the county of Spencer, with the exception herein provided: that is to say, that this act shall not affect any contract made, or cause of action accrued before the taking effect of this act, but the same may be sued and prosecuted to judgment, according to the laws now in force.

Exception.

SEC. 2. This act to be in force from and after its publication.

## CHAPTER CI.

An Act to amend an act entitled an act relative to the surplus revenue of the United States allotted to Carroll county, approved February 10, 1841.

[APPROVED, JANUARY 26, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That Levi S. Dale, of Carroll county, <sup>Special com'r. appointed.</sup> be, and he is hereby appointed the special commissioner under the above recited act, who upon complying with the duties prescribed in said act, shall possess all the powers given in said act to the special commissioner therein named, and shall receive the compensation therein given.

SEC. 2. It shall be the duty of the sheriff of said county <sup>Duty of sheriff</sup> of Carroll to serve all process which the said commissioner may issue to compel the attendance of witnesses and persons whom he may direct to be called before him, for which services the board doing county business in Carroll county shall allow the sheriff such compensation as they may deem reasonable.

This act shall take effect and be in force from and after its passage.

## CHAPTER CII.

An Act supplemental to the act entitled "an act to provide for a keeper of the State House and Library," approved February 2, 1841.

[APPROVED, JANUARY 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the privileges of the State Library <sup>State Library, privileges of extended.</sup> shall hereafter be extended to the following additional persons while at the seat of government: attorneys of the Supreme Court, editors of newspapers, clergymen, physicians, and all other persons who have heretofore been entitled by law to the use of books from said library.

SEC. 2. *And be it further enacted*, That this act shall take effect and be in force from and after its passage; and it is hereby made the duty of the Secretary of State to forthwith make out and deliver to said librarian a certified copy of this act.



## CHAPTER CIII.

An Act to establish a tobacco inspection in the town of Point Commerce, in Greene county.

[APPROVED, JANUARY 17, 1842.]

Tobacco inspection.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be a tobacco inspection in the town of Point Commerce, in Greene county.

County board to appoint inspector.

SEC. 2. That it shall be the duty of the board of county commissioners in said county at their first session after the passage of this act, to appoint some suitable person as inspector of tobacco, at the inspection aforesaid, whose duty it shall be to inspect all tobacco brought to said inspection.

Duty and compensation.

SEC. 3. The said inspector to be governed in all respects in the discharge of his duty by the laws now in force in regard to the inspection of tobacco, and shall be entitled to receive the same compensation as the laws aforesaid specify.

SEC. 4. This act to take effect and be in force from and after its passage.

## CHAPTER CIV.

An Act relative to the duties of Auditor and Treasurer of State.

[APPROVED, JANUARY 31, 1842.]

Int. imp. fund may be used for civil list.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Auditor of State be, and he is hereby authorized to set apart, and the Treasurer of State to pay out so much of the revenue derived from internal improvement sources as shall be sufficient to meet the deficiency in the expenditure for the civil list for the years 1841 and 1842.

Tr. notes receivable for State dues.

SEC. 2. *Be it further enacted*, That hereafter the treasury notes issued under authority of the State, of the denomination of five dollars, shall be received as other money in payment of all public dues, (except for trust funds, Wabash and Erie Canal lands, and school moneys.)

## CHAPTER CV.

An Act to regulate the jurisdiction of justices of the peace in Hamilton county.

[APPROVED, DECEMBER 29, 1841.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the jurisdiction of justices of the peace in civil causes in the county of Hamilton shall be governed by the provisions of the 103d section of "an act regulating the jurisdiction and duties of justices of the peace," approved February 17, 1838, all laws to the contrary notwithstanding.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER CVI.

An Act to amend an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved February 17th, 1838, and to secure the observance of the 103d section of said act.

[APPROVED, JANUARY 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That no constable of Shelby county shall have jurisdiction to serve any summons in any civil cause out of the township in which he resides, and for which he was not elected or appointed, except in cases which are excepted by the 103d section of the act to which this is an amendment.

SEC. 2. On all process as above named which may hereafter come into the hands of any constable in said county of Shelby, such constable, finding that the defendant or defendants do not reside in such township, shall forthwith return such process with the facts endorsed thereon; and any defendant or defendants who may be sued out of his or her township, contrary to the provisions of the said 103d section, he, she or they may give such fact in evidence, under the general issue, without pleading the same, either before the justice, or on appeal in the circuit court, whether such defendant object to answer before such justice or not.

SEC. 3. Any justice of the peace or constable in Shelby county who shall knowingly violate the provisions of this act, or of the 103d section of the act to which this is an



amendment, shall be deemed guilty of oppression, and on presentment or indictment shall be fined in any sum not exceeding twenty dollars for each and every such offence.

SEC. 4. This act shall be in full force from and after its passage, and is hereby declared to be a public act.

## CHAPTER CVII.

An Act to regulate the jurisdiction of justices of the peace in Greene county.

[APPROVED, DECEMBER 23, 1841.]

Defendant not bound to answer out of his own township.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter no person who is a householder in the county of Greene, shall be bound to answer to any summons or other civil process issued by any justice of the peace out of the township in which the defendant actually resides, except there be no justice in said township who can legally issue such summons or other civil process; in which case it shall be lawful to commence suit in the nearest township to the one in which the defendant resides: *Provided, however*, That this act shall not be so construed as to prevent any person from collecting his debt where it is specified in writing that the same shall be collected in any particular place: *And provided further*, That either party shall have the right to change of venue as under existing laws.

Proviso.

Change of venue.

This act to take effect and be in force from and after its passage.

## CHAPTER CVIII.

An Act amendatory of an act entitled an act authorizing the appointment of constables and defining their duties, approved February 17, 1838.

[APPROVED, JANUARY 31, 1842.]

Bond to be approved by city board and official oath ad-

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the official bonds of constables, required to be executed by the 4th section of the above named

act, shall severally be approved by the board of commissioners, if in session at the time of the execution of such bonds; and if such bonds shall be executed in vacation of said board, then such bonds shall severally be approved by the county auditors of the several counties, and said auditors are authorized to administer to said officers the official oath in all cases.

SEC. 2. When such bonds shall have been approved as required in the first section of this act, it shall be the duty of the county auditor to endorse on each bond so approved that fact, and that the principal in such bond shall forthwith file the same in the office of the clerk of the circuit court of the proper county.

SEC. 3. When such bonds shall be so filed as aforesaid, it shall be the duty of the clerk of the circuit court of the proper county to register the same, as required by an act entitled "an act in amendment to an act entitled an act concerning clerks," approved Jan. 20, 1831, approved Feb. 1, 1834.

SEC. 4. All acts coming within the purview of this act are hereby repealed.

SEC. 5. This act shall take effect and be in force from and after its passage.

## CHAPTER CIX.

An Act to amend an act entitled an act authorizing the appointment of constables and defining their duties, approved February 17, 1838, and for other purposes.

[APPROVED, JANUARY 17, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That no constable in the county of Marion shall have jurisdiction to serve any summons or *capias ad respondendum* in any civil cause out of the township in which he resides and for which he was elected, except in causes where there may be two or more persons joined in any note as principal and security, and in such case suit shall be commenced in the township where the principal may reside, or in case of a joint obligation the plaintiff may elect where he will sue.

SEC. 2. On all process as above named, except the exceptions mentioned in the foregoing section, which may be issued to any constable, and such constable finding the defendant or defendants, or any one of them, does not

ministered by auditor.

Bond endors'd and filed in clerk's office.

Clerk to register.

Jurisdiction in the county of Marion.

Constable shall return process against persons out of his township.



reside in such township, it shall be his duty to return such process, with the fact endorsed thereon; and any defendant or defendants who may be sued out of his proper township, except the foregoing exceptions, he, she or they may give such fact in evidence, under the general issue, without specially pleading the same, and no constable shall be authorized to serve any such process on persons at any place except in the township where they do actually reside.

Fact of residence given in evidence under general issue.

Penalty for violating this act.

SEC. 3. Any justice of the peace or constable in the county of Marion knowingly violating the provisions of this act, shall be deemed guilty of oppression, and shall be fined on presentment or indictment in any sum not exceeding twenty dollars, in the discretion of the jury or court trying the same.

Demand of specie.

SEC. 4. In all cases where any plaintiff or plaintiffs shall demand of any defendant or defendants in the said county of Marion specie (the bank and insurance office excepted) such defendant or defendants shall be entitled to an additional stay of twelve months, by giving such replevin bail and security as is required by law.

SEC. 5. This act to be in force from and after its passage, and shall be published in the Indiana Journal and State Sentinel.

## CHAPTER CX.

An Act supplemental to an act entitled an act authorizing the appointment of constables and defining their duties, approved February 17, 1838.

[APPROVED, JANUARY 24, 1842.]

Duty of constable in Montgomery county.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That in the county of Montgomery it shall be the duty of constables in serving any summons to endorse thereon the township in which the defendant or defendants reside; and in case the defendant or defendants does not reside in the township in which such summons was issued, the plaintiff shall not have judgment by default or otherwise, but shall be non-suited on the trial unless he can prove to the satisfaction of the justice of the peace trying the same, that notwithstanding the defendant or defendants reside out of the township in which such summons was issued, the justice has jurisdiction of the case according to the provisions of the one hundred and

third section of "an act regulating the jurisdiction and duties of justices of the peace," approved February 17, 1838.

SEC. 2. The county of Montgomery shall be excepted out of the operation of the one hundred and fourth section of the above recited act.

## CHAPTER CXI.

A joint resolution to provide for distributing the acts of Congress, deposited in the office of the Secretary of State.

[APPROVED, JANUARY 8, 1842.]

SEC. 1. *Be it resolved by the General Assembly of the State of Indiana*, That the Secretary of State is hereby required to distribute all the laws of the United States, in pamphlet form, that are in his office, as follows, to-wit: Five of each year (if there be so many) are to be retained in the office of the Secretary of State; after which one for each year to each circuit court clerk's office, and each county library, until the number is exhausted, beginning with the oldest county in the State and continuing in succession according to the age of the counties, first supplying the clerk's offices, so far as the number for each year will extend; and if there are more numbers for any one year than will supply all the clerk's offices, then the county libraries are to be supplied in the same manner, beginning with the oldest county.

SEC. 2. *Be it further resolved*, That the Secretary of State shall transmit the acts of Congress, so to be distributed, as in the first section mentioned, to the several counties at the same time and in the same manner as the laws of the General Assembly of this State are now distributed; and that hereafter, he shall annually when the laws of the General Assembly are sent to the several counties, send such acts of Congress in pamphlet form as may be in his office to the said counties, making such annual distribution agreeably to the provisions of the first section of this joint resolution.

This joint resolution to be in force from and after its passage.



## CHAPTER CXII.

An Act to provide for the distribution of the laws of Congress to the several counties in this State.

[APPROVED, JANUARY 6, 1842.]

Duty of State Librarian.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the State Librarian to procure to be bound, in full binding, the laws of Congress, from the year 1833 until the extra session of Congress in 1841, inclusive, in two volumes, a number of copies equal to two for each county in this State, to be distributed to the several counties, as follows: one copy to be filed in the clerk's office for the use of the county, and one copy to be deposited by the clerk of the circuit court in the county library for the use thereof: *Provided, however*, That if there should not be a sufficient number of the said laws for the year 1833 for the purposes aforesaid, then the copy containing the laws of said year shall be filed in the clerk's office.

Duty of Sec'y of State.

SEC. 2. It shall be the duty of the Secretary of State to cause said laws to be packed up with the laws and journals of this State for the year 1842, und distributed to the several counties of this State, according to the provisions of the foregoing section.

Acts of Congress to be distributed annually.

SEC. 3. That hereafter the Secretary of State shall annually, when the laws of the General Assembly are sent to the several counties, send such acts of Congress, in pamphlet form, as may be in his office or in the State Library, (and which are of a subsequent date to those already directed to be distributed by this act,) to the said counties, making such annual distribution agreeably to the provisions of the first section of this act.

This act to be in force [from and] after its passage.

## CHAPTER CXIII.

An Act to repeal the state board of equalization.

[APPROVED, JANUARY 13, 1842.]

Repeal.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the revenue law, approved February 12, 1841, as creates a state board of equalization, be, and the same is hereby repealed.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER CXIV.

An Act to amend an act entitled an act prescribing the duties of county auditor, approved February 12, 1841.

[APPROVED, JANUARY 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That all accounts, debts and demands justly chargeable against Crawford and Orange counties, and which are not directed by law to be settled and allowed by some other person or tribunal, shall be examined and settled by the board of justices of said counties; and for all such just accounts, debts and demands settled and allowed by said board of justices, or settled or allowed by any other person or tribunal authorized by law to do so, and for all demands against said counties, the amount of which is fixed by law, the county auditor shall issue Auditor. orders on the treasury of said counties, payable to the several persons entitled thereto; and all such orders shall be progressively numbered, and the number, date and amount of each, and the name of the person to whom payable, and the purpose for which drawn, shall at the time of issuing the same be entered in a book to be kept by the auditor for that purpose.

SEC. 2. That so much of the eleventh section of the Part of act of act to which this is an amendment as relates to the settle- 1841 repealed. ment of accounts, debts and demands by the county auditors be, and the same is hereby repealed, so far as the counties of Crawford and Orange are concerned, and no further.

SEC. 3. This act to be in force and take effect in the counties of Crawford and Orange from and after its passage.

## CHAPTER CXV.

An Act to amend an act in relation to county auditor.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the act entitled an act prescribing the duties of county auditor, approved Feb'y 12, 1841, chapter second, section fifty-two, as requires the board doing county business to allow the county auditor



any sum [not exceeding] beyond fifty dollars per annum for his extra services, is hereby repealed.

Allowance  
where no  
compensation  
is fixed.

SEC. 2. That the board doing county business be required to allow to the county auditor for all services required of him by law, and for which no compensation is already fixed, ten cents for each one hundred words, such account being made out in the same manner as now required by law.

Books, &c.

SEC. 3. That for books, stationery, and other necessary expenditures for the use of his office, the county auditor may submit to the county board a separate account, which shall be allowed by said board if deemed just and reasonable.

## CHAPTER CXVI.

An Act to amend an act entitled an act prescribing the duties of county auditors, approved February 12, 1841.

[APPROVED, JANUARY 31, 1842.]

Duty of Treasurer in exposing to sale delinquent lands.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That in each and every case wherein any person shall be the owner of more than one tract of land or town lot in any one county within this State which shall become liable as delinquent lands or town lots for the non payment of taxes, it is hereby made the duty of the county Treasurer of said county in exposing to sale such delinquent land or lots aforesaid, to calculate and add together the amount of taxes, penalties, interest and costs due on all the several tracts or lots owned as aforesaid and proclaim and offer the smallest quantity of only one tract or lot as aforesaid, as the case may be, for the payment of the taxes, penalties, interest and costs on all the several tracts or lots owned and returned as aforesaid, and if no one should bid off a part or the whole of the tract or lot so offered, then and in that case he shall proceed to sell such tract or lot to the highest bidder, and whatever deficiency (if any) shall remain, shall be proclaimed by him, and a second tract or lot shall by him be offered in the manner aforesaid, and he shall proceed in the same order until a sufficient sum be realised to discharge the taxes, penalties, interest and costs, and it is hereby made his duty to describe and lay off the lands or lots so offered in such manner and form as will in his

opinion conduce most to the benefit of such owner or owners.

SEC. 2. In all cases where more than one person of the same name shall be returned as delinquent in any one county as aforesaid, and the lands or lots of one or more such person should be sold for the redemption of lands or lots of the other person of the same name, then and in that case, the person whose land or lots have been released shall be, and is hereby made liable to the person or persons whose lands or lots have been erroneously sold, and such claim shall operate as a lien on the lands or lots redeemed as aforesaid, so long as such claim shall remain unsatisfied, and the person or persons aggrieved as aforesaid shall have the right to recover the amount realised as aforesaid in any court having competent jurisdiction.

SEC. 3. That the county auditor or his deputy shall in pursuance of this act, cause a record to be made, setting forth the facts by describing the lands or lots or parts thereof sold as aforesaid, also the lands or lots redeemed by virtue of the sale aforesaid, as required by the 33d section of the act to which this is an amendment.

SEC. 4. All laws and parts thereof as comes within the Repeal provisions of this act be, and are hereby repealed.

## CHAPTER CXVII.

An Act repealing the 18th, 21st and 23d sections of the act prescribing the duties of county treasurers, approved February 12th, 1841.

[APPROVED, DECEMBER 24, 1841.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county treasurer shall, on the third Monday in February next, and annually thereafter, make settlement with the auditor of his county, and make returns of the delinquencies on the tax duplicate, in the same manner as is directed by the act prescribing the duties of county auditors.

SEC. 2. That each county treasurer shall, on or before the first Monday in March next and annually thereafter, pay over to the Treasurer of State all the moneys by him received for State purposes, agreeably to the certificate of settlement with the auditor of his county, deducting therefrom his travelling fees; and shall take a receipt from said Treasurer of State for the money so paid, which he shall



deposite with the Auditor of State, who shall give him a *quietus*.

Repeal.

SEC. 3. The eighteenth, twenty-first and twenty-third sections of an act (chapter 4) entitled "an act prescribing the duties of county treasurers," approved Feb. 12, 1841, be, and they are hereby repealed.

Duty of State Auditor.

SEC. 4. It shall be the duty of the Auditor of State, upon the approval of this act, to direct the several county auditors to make the returns of the appraisement to him, by mail or by some suitable person, on or before the 15th day of January, 1842; and so much of the 14th section of the act to value the property of this State, (chapter 1) which makes it the duty of the county auditors to forward said returns of appraisement by the county treasurers on or before the 15th of January, be and the same is hereby repealed.

SEC. 5. This act to be in force from and after its passage; and it is made the duty of the Secretary of State to have the same published in the Indiana Journal and Indiana State Sentinel, and to furnish each county auditor and treasurer, immediately, with a copy of one of said papers.

## CHAPTER CXVIII.

An Act giving further time to assessors.

[APPROVED, JANUARY 22, 1842.]

Assessors.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That "an act pointing out the mode of levying taxes," approved February 12, 1841, and all other laws conflicting with the provisions of this act, be, and the same are hereby so amended as to give the several county assessors from the first day of January to the 25th day of May, in each year, to discharge the duties now required of them to be performed between the first day of March and the date last above.

SEC. 2. This act shall be in force from and after its publication in the Indiana Journal and State Sentinel.

## CHAPTER CXIX.

An Act applying certain funds to purposes of education.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall be the duty of the several clerks of the circuit and probate courts and all justices of the peace in this State, on the first Monday in August of each year, or within ten days thereafter to pay over to the school commissioner of their respective counties, who shall receipt therefor, all such fees as may have come into their hands respectively, by virtue of their several offices at any time prior to the preceding first Monday in August, for any witness, juror, commissioner, appraiser, attorney, constable, sheriff, or other person or officer whatever, which shall not have been duly demanded and received out of the hands of such officer by the person or officer for whom the same may have been received.

Clerks and justices to pay over to school com'r annually, witness fees, &c.

SEC. 2. That it shall be the duty of each of said clerks and justices of the peace, within said ten days in each year, to file with the auditor of his county the receipt that he may have received from the proper school commissioner, which shall be for the aggregate sum so paid over, which receipt shall be accompanied by a schedule of the fees paid for the receipt, describing the cases from which the fees were received, and the amount and kind of fees in each case, which schedule shall be verified by the oath of the officer filing the same, that it is full and perfect, agreeably to the provisions of this act; and in case any such officer may have no such fees in his hands on the first Monday in August, liable to be paid over as aforesaid, then such officer shall in like manner file his affidavit of that fact, within the ten days aforesaid. And whenever any such clerk or justice may go out of office he shall deliver over to his successor with the papers of his office all such fees that may then be in his hands, whatever the length of time may have been, together with a schedule of the same, verified upon oath to be full and perfect, and stating the time when the fees were received, whether it was during the past or the current year, and the time so stated shall be taken, for the purposes of this act, as the time when such successor received said fees, and he shall be governed accordingly.

Receipt of com'r, &c. to be filed with auditor.

Fees to be paid to successor.

SEC. 3. That should any clerk or justice of the peace neglect, fail, or refuse to comply with the provisions of

Penalty for violating this act.



this act, for each offence, upon being found guilty on presentment or indictment, he shall be fined in any sum not less than five nor more than one hundred dollars.

Affidavit, before whom made.

SEC. 4. That any of the affidavits herein required may be made before the proper county auditor, who is hereby authorized, generally, to administer oaths or affirmations, and such auditor shall be entitled to a fee of twenty-five cents in each case of such returns, to be paid as his other fees are; and each auditor shall open an account with the school commissioner of his county, and keep him regularly charged with all the funds in this act provided to be paid over to him.

Distribution of the fund.

SEC. 5. That the funds so paid over to the several school commissioners shall forever after be a common school fund, to be loaned out as other school funds are, and the proceeds thereof shall be rateably apportioned amongst the several townships, for the support of the district schools of the proper county: *Provided, however,* That at any time hereafter it shall be the duty of any school commissioner, upon reasonable demand made, to pay over to any person for whom the same may have been collected, any fees that may have been deposited with such school commissioner, the person demanding such fees having first satisfied such commissioner that he is entitled to receive the same.

## CHAPTER CXX.

An Act to authorize the collection of State revenue in those counties which have failed to assess and collect the same for the year 1841.

[APPROVED, JANUARY 31, 1842.]

Counties not assessed, &c. for 1841 to be assessed this year.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of the proper officers of the several counties in which no assessment or collection of State revenue for the year 1841 has taken place, at the same time when the assessment and collection of State and county revenue in those counties for the year 1842 takes place, to assess and collect on all persons in such counties, and on all property therein liable thereto, in addition to the tax for 1842, the same amount of poll and property tax for State purposes that should have been assessed and collected from such persons and property for the said year 1841, by virtue of the laws then in force.

SEC. 2. That the tax aforesaid shall be assessed, collected and paid over in the same manner as is provided for the revenue of the present year. Tax, how collected, &c.

SEC. 3. That should any county officer in any of such counties, whose duty it is hereby made to assess, collect, or pay over the revenue aforesaid, fail or neglect to perform any of the duties herein required, or necessary for him to perform to carry the provisions of this act into effect, such person, in addition to all other liabilities provided by law, shall be subject to a fine of not less than five hundred dollars, to be recovered by presentment or indictment in any court of competent jurisdiction. Penalty against any officer for neglect of duty under this act.

## CHAPTER CXXI.

An Act to amend an act relating to county seminaries, approved February 17th, 1838.

[APPROVED, JANUARY 13, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the several county auditors of this State and clerks of courts where they perform the duties of auditor, be, and they are hereby required to make out and certify to the Secretary of State, on or before the first day of November in each year, the detailed statement required to be made by the board of trustees, by the 20th and 21st sections of an act relating to county seminaries, approved February 17, 1838. Duty of co. auditors.

SEC. 2. *And be it further enacted,* That the 20th section of the act to which this is an amendment be so amended that the said board of trustees be required to report at the September term of each year to the board doing county business. B'd of trustees when to report.

SEC. 3. If any clerk, auditor or trustee shall omit or fail to comply with the provisions of this act, they shall be liable to indictment, and on conviction thereof be fined in any sum not exceeding fifty dollars. Penalty against auditor, &c. for failure in duty.

SEC. 4. This act shall be in force from and after its passage.



## CHAPTER CXXII.

An Act to amend an act entitled an act to provide for the sale of certain lands therein named, approved February 2, 1833.

[APPROVED, JANUARY 31, 1842.]

Time of payment of interest on saline fund extended.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the time for payment of interest on the saline lands in the county of Orange and State aforesaid, be, and the same is hereby extended until the 1st day of June, 1842.

Interest for 1841.

SEC. 2. That all and every person or persons who may have failed to pay the interest due for 1841, on any lands purchased under the law authorizing the sale of saline lands in the county and State aforesaid, paying the entire demand of interest due on the same on or before the first day of June, 1842, shall be entitled to the same as though the interest had been paid according to the law on that subject.

Certificate being lost a new one to issue.

SEC. 3. *Be it further enacted*, That it is hereby made the duty of the acting commissioner of the saline lands aforesaid, when it shall be satisfactorily shown to him that any certificate for lands sold as aforesaid, shall or may have been lost, destroyed, or otherwise misplaced so that the owner or owners cannot obtain the same, to issue new certificates to the person or persons desiring the same, noting the fact in his book, and reporting the same to the Treasurer of State from time to time.

Laws suspended.

SEC. 4. All laws coming within the purview of this act, be, and the same are hereby suspended.

SEC. 5. This act to take effect and be in force from and after its passage.

## CHAPTER CXXIII.

An Act making general appropriations for the year 1842.

[APPROVED, JANUARY 31, 1842.]

General appropriations for 1842.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be appropriated for the purpose of meeting the expenditures of 1842: for public printing, fourteen thousand dollars; for distributing laws and journals, eight hundred dollars; for stationery

for the General Assembly and public offices, three thousand and one hundred and fifty dollars; for the General Assembly, forty thousand dollars; for executive officers, six thousand one hundred dollars; for prosecuting attorneys, one thousand seven hundred dollars; for supreme and circuit judges, fifteen thousand five hundred dollars; for probate judges, four thousand dollars; for adjutant and quarter-master generals, one hundred and fifty; expenses of State House, three thousand dollars; for State Library, and salary of Librarian, seven hundred dollars; for transporting convicts to the State Prison, one thousand eight hundred dollars; for specific appropriations, eight thousand dollars; for contingent expenses of Governor, one thousand dollars.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER CXXIV.

An Act making specific appropriations for the year 1842.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the principal, assistant, and enrolling secretaries to the Senate, and the principal, assistant, and enrolling clerks to the House of Representatives shall each be allowed the sum of four dollars per day for each day they may have served as such during the present session, and such assistants as may be employed by any of the aforesaid secretaries or clerks, shall each be allowed the sum of three dollars per day so employed.

SEC. 2. That the sergeant-at-arms and assistants, and door keeper of the Senate and House of Representatives, and the sergeant-at-arms and assistants of the House of Representatives be allowed the sum of three dollars per day for each day they may have served as such during the present session.

SEC. 3. That the sum of six hundred dollars be, and the same is hereby appropriated for the purpose of papering the rooms of, and furnishing the Governor's house, to be expended under the direction of the Treasurer of State.

SEC. 4. That Joseph M. Moore be allowed six dollars and eighty-three cents for the postage account of the Speaker of the House of Representatives; for postage



paid by the President of the Senate for public letters, three dollars ninety-one and one-fourth cents; for postage paid by James Collins, Jr. as chairman of the State Bank committee of the Senate during the present session, twenty-six dollars; and for postage paid by Joseph C. Eggleston as chairman of the committee of investigation of the Senate, five dollars.

R. B. Duncan. SEC. 5. That Robert B. Duncan be allowed the sum of twenty-three dollars witness fees in the case of the State *vs.* Livingston and Bolton.

Laborers. SEC. 6. That the persons employed in splitting and drawing up wood during the present session be allowed one dollar and fifty cents per day for each day so employed.

Clerks of investigating committees. SEC. 7. That James H. Elliott be allowed the sum of ninety-two dollars as clerk of the investigating committee of the House, and that Henry Fauntleroy be allowed three dollars per day for fifty days services as clerk to the investigating committee of the Senate.

R. & J. Micklebury. SEC. 8. That the sum of three hundred dollars be paid by the Treasurer of State to Robert and James Micklebury, being part of the sum paid by them for the apprehension of the murderer of their father.

Ass't door-keepers. SEC. 9. That the assistant door-keepers of the Senate and House of Representatives be allowed the sum of two dollars and fifty cents per day during the present session.

John O'Conner SEC. 10. That there be allowed to John O'Conner twenty-five dollars for services rendered to the present General Assembly.

Indexing journals. SEC. 11. That the usual allowance be made for indexing the journals of the last and present session.

Treasury buildings and State House. SEC. 12. That the Treasurer of State be allowed the sum of seven hundred and fifty-two dollars and thirteen cents for disbursements on account of the treasury building and Governor's circle, on his filing with the Auditor the proper vouchers therefor, and also the sum of one thousand three hundred and fifteen dollars and fifty-six cents for disbursements on account of the State House, on his filing with the Auditor the proper vouchers therefor.

A. Hotchkiss. SEC. 13. That Andrew Hotchkiss be paid by the Treasurer of State the sum of six dollars for two days services as door-keeper at the commencement of the session; and that John Cook be allowed six dollars for two days services as door keeper of the Senate at the commencement of the session.

J. Cook. SEC. 14. That John Cook be allowed the sum of ninety-three dollars and forty-four cents for expenditures made by him on account of and for the State.

SEC. 15. That Joshua Soule, Jr. be allowed the sum J. Soule. of thirty dollars for his services as notary public in swearing witnesses before the investigating committee of the House of Representatives.

SEC. 16. That each witness examined before the committees of investigation be allowed the sum of one dollar and fifty cents per day from the time he left home to attend on said committees until his return home, allowing him a reasonable time to come and return. That the Auditor of State be required to audit the same, on presentation of the account of any of said witnesses, verified by affidavit or attested by the chairman of the investigating committee, and the Treasurer of State shall pay the same. Witnesses before investigating committee.

SEC. 17. That Andrew Aker be allowed the sum of A. Aker. forty-eight dollars for twenty-four days services as a Senator, during the session of 1835 and 6, which has not heretofore been drawn by him.

SEC. 18. That Matthew S. Ward be allowed twelve M. S. Ward. dollars for four days services in copying the report of the investigating committee of the Senate.

SEC. 19. That James Green be allowed six dollars for J. Green. three days service as assistant door-keeper.

SEC. 20. That the editors of the Indiana Journal and Newspapers. State Sentinel be each allowed the sum of one hundred and forty seven dollars for papers contracted for by the sergeant-at-arms for the use of the members of the House of Representatives.

SEC. 21. That Charles B. Davis be allowed the sum of C. B. Davis. seventeen dollars and thirty-seven and one half cents for stationery furnished by him to the investigating committee of the Senate at its present session.

## CHAPTER CXXV.

An Act to change the mode of doing county business in the county of Washington.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the* County board *State of Indiana,* That in the county of Washington one to be composed of the oldest justice in each township shall constitute collectively a board of commissioners in said county, and each township shall be known by the name and style of the board of



commissioners of Washington county, and as such shall be entitled to all the rights, incidents, powers and privileges, and subject to all and singular the duties, incidents, and requirements to which by the act to which this is amendatory the existing board of commissioners in said county is entitled and subject to, as hereinafter provided.

President.

SEC. 2. The justices of the peace aforesaid shall at their first meeting, and annually thereafter, select one of their number president of said board, whose duty it shall be to propound questions for their action, preside over their deliberations, keep order, pronounce their decisions, and sign their proceedings: *Provided*, In the absence of the president so elected, the board shall elect a president *pro tempore*, who shall exercise all the duties herein required of the president.

Suits &c. now pending how to be prosecuted.

SEC. 3. All suits, pleas, complaints, prosecutions, and proceedings which may be pending in any court to be tried, in which the present board of commissioners of said county is a party, previous to the taking effect of this act, shall be prosecuted to final judgment and execution in the same manner as if this act had not passed; and all contracts and liabilities in favor of or against the existing board of commissioners shall remain valid in law and equity.

Quorum.

SEC. 4. It shall require five members of said board to form a quorum, and such members as do attend shall have power by this act to issue writs of attachment to compel the attendance of absent members, and to adjourn from day to day for that purpose.

Fine for non-attendance.

SEC. 5. It shall be the duty of said justices of the peace to be punctual in their attendance at every stated or other [meeting] of the board, and for every failure thereof without reasonable excuse, shall be fined in any sum not exceeding ten dollars, upon presentment or indictment, for the use of the county seminary of said county.

Compensation.

SEC. 6. The said justices of the peace constituting said county board, as herein before provided, shall after the taking effect of this act be exempt from militia duty, serving on juries, working on roads, and be entitled to receive seventy-five cents per day for the performance of the duties enjoined upon them by this act.

Repeal.

SEC. 7. The first, second, third, eighth, eleventh, and thirteenth sections of the act to which this is an amendment, are, as to the said county of Washington, hereby repealed.

When to take effect.

Proviso.

SEC. 8. This act to take effect and be in force from and after the first Monday in May: *Provided, however*, That at the township elections held on the first Monday in April next, it shall be the duty of each inspector in the several townships in said county to open a poll, at which

each voter shall be called upon to express whether he is in favor of the change here proposed or not, and if a majority of all the voters shall so determine, then this act to take effect and be in force, but if a majority of said voters shall not so decide, then this act to be null and void; and the act regulating the mode of doing county business in the several counties in this State, approved 17th February, 1838, shall remain in full force, and it is hereby made the duty of the Secretary of State to file a certified copy of this act in the auditor's office in the said county of Washington with as little delay as possible.

## CHAPTER CXXVI.

An Act to amend an act entitled an act to provide for the mode of doing township business in Miami county, approved December 24, 1840.

[APPROVED, JANUARY 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the several boards of township trustees in the county of Miami, under the provisions of an act for a more uniform mode of doing township business in the several counties therein named, approved February 17, 1838, are hereby authorized to meet on the second Mondays of January, April, July and October annually, and at such other times as they may deem necessary, and said trustees may adjourn from day to day should their business require it: *Provided*, That said trustees shall not sit more than twelve days in any one year.

SEC. 2. The said trustees shall receive for their services the sum of two dollars each for each and every day they may be necessarily employed, to be allowed by the board doing county business in said county.

SEC. 3. This act to take effect and be in force from and after its passage.



## CHAPTER CXXVII.

An Act prescribing the mode of levying and collecting township taxes in the county of Dearborn.

[APPROVED, JANUARY 31, 1842.]

Township assessment.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it is made the duty of the trustees of the different townships in the county of Dearborn, or a majority of them, to meet on the second Monday of May next, and on the same day every year thereafter, and agree upon the amount which shall be assessed upon each one hundred dollars worth of taxable property in said township for that year, which amount shall be certified by the clerk of said township to the board of county commissioners for their county, on or before their regular session in June of each year.

Duty of county board.

SEC. 2. It is made the duty of the board of county commissioners for said county to assess and order to be collected, as all other taxes are collected, for township purposes, the amount thus agreed upon by the trustees of said township, and certified up by their clerk; but nothing in this act shall be so construed as to authorize said board of county commissioners to assess or levy a tax for township purposes in that township that shall or may fail or neglect to instruct them as provided in the first section of this act.

Duty of auditor.

SEC. 3. It is made the duty of the county auditor of said county to make out in a separate column on the general duplicate the amount thus levied and ordered to be collected in said township for township purposes.

Duty of treasurer.

SEC. 4. It is made the duty of the treasurer of said county to collect said township tax as all other taxes are collected, and after settlement with the auditor, and before the first day of April in each year, he is required, and it is hereby made his duty on application of the township treasurer to pay over, on the order of the county auditor, the amount thus collected for township purposes, belonging to said township, after deducting his per centage and its proportion of advertising, &c.

Repeal.

SEC. 5. *It is further enacted*, That all laws specifying the mode of levying and collecting township taxes in the county of Dearborn in the State of Indiana, be, and the same are hereby repealed.

SEC. 6. This act to take effect and be in force from and after its passage.

## CHAPTER CXXVIII.

An Act to amend the act entitled an act to amend and revise the act entitled an act to incorporate the several townships in the county of Dearborn, approved February 7th, 1825, and for other purposes.

[APPROVED, JANUARY 17, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the acts now in force regulating the manner of doing township and county business in the counties of Dearborn and Switzerland be so amended that the township trustees of said counties shall have original jurisdiction in the opening, laying off, and changing the location of public roads and highways within the respective townships of said counties, and that their jurisdiction in these matters shall be concurrent with the board of commissioners of said counties.

Jurisdiction of trustees in laying off roads.

SEC. 2. In all applications for the laying off, opening, or changing the location of any public highway, before the trustees of any township in said counties, or before the board of commissioners of either of said counties, an appeal shall be allowed to the proper circuit court, to be prosecuted in the same manner, and in the same terms, and under like restrictions as appeals from the decisions of the board of commissioners doing county business is directed to be taken by law.

Appeal to circuit court in application for laying off roads.

SEC. 3. This act to take effect and be in force from and after its publication.

## CHAPTER CXXIX.

An Act to amend an act entitled an act for the promotion of schools and education in Clark's Grant, approved February 15th, 1838.

[APPROVED, JANUARY 8, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the funds for the promotion of schools in Clark's Grant be apportioned and distributed in the several townships and districts, in pursuance with the provisions of an act entitled an act to revise and amend an act incorporating congressional townships and providing for public schools therein," approved February 15th, 1841, and that the township and district trustees, Fund to be apportioned.



treasurers, clerks and teachers in the several districts and townships in said grant, be elected, appointed, and in all respects governed by the provisions, and liable to the penalties contained in said act.

SEC. 2. This act to be in force and take effect from and after its passage.

## CHAPTER CXXX.

An Act to prohibit the amalgamation of whites and blacks.

[APPROVED, JANUARY 20, 1842.]

Intermarriage  
of whites and  
blacks pro-  
hibited.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter no negro man, mulatto, or any man having one-eighth of negro blood shall be permitted to marry any white woman of this State, nor shall any white man be permitted to marry any black woman, mulatto, or any woman having one-eighth part or more of negro blood.

Marriage void

SEC. 2. All such marriages as are prohibited by this act shall be null and void.

Penalty for  
aiding, &c. in  
such marriage

SEC. 3. Each and every person who shall aid, counsel, abet, or in any manner be known to assist in any such marriage as is by this act prohibited shall be subject to a fine of not less than one hundred nor more than one thousand dollars, to be recovered by presentment or indictment in the proper circuit court.

Penalty a-  
gainst persons  
marrying in  
contravention  
of this act.

SEC. 4. Each and every person who shall knowingly marry in contravention to the provisions of this act, shall be subject to a fine of not less than one thousand nor more than five thousand dollars, and be confined in the State Prison for not less than one nor more than ten years.

Repeal.

SEC. 5. All laws and parts of laws heretofore enacted to prohibit the amalgamation of whites and blacks, be, and the same are hereby repealed.

SEC. 6. This act to be in force from and after its passage.

## CHAPTER CXXXI.

An Act to allow each county in this State to send two students to the State University.

[APPROVED, JANUARY 17, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That each of the several counties in this State shall be, and they are hereby authorized to send free of any tuition fee, one additional student to the State University, under the same rules and regulations now in force on that subject. Privilege ex-  
tended.

SEC. 2. This act to be in force from and after its publication in the Indiana Journal and State Sentinel.

## CHAPTER CXXXII.

An Act to amend an act entitled an act regulating the mode of doing county business in the several counties in this State, approved Feb. 15, 1840.

[APPROVED, JANUARY 13, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the first section of the act to which this is an amendment be so amended that whenever a vacancy occurs in said board, then the oldest commissioned justice of the peace in the township shall be a member of said board to fill said vacancy. Vacancy, how  
filled.

SEC. 2. This act shall be in force in the county of Owen only from and after the filing of a copy of the same in the clerk's office in the county of Owen. Restricted to  
Owen county.

SEC. 3. It is hereby made the duty of the Secretary of State to forward a copy of this act to the clerk's office of Owen county.



## CHAPTER CXXXIII.

An Act to keep in repair the Cumberland and Michigan roads.

[APPROVED, JANUARY 31, 1842.]

Roads to be placed under respective supervisors.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the boards doing county business in the several counties through which the Cumberland and Michigan roads run, are hereby authorized and required to place under the charge of the proper supervisors through whose districts any portion of either of the aforesaid roads passes, such portion of either of the said roads as lies in the bounds or limits of such supervisors, whose duty it shall be to keep the same in repair in the same manner, and liable to the same penalties as are prescribed by an act relating to public roads and highways, approved February 17, 1838.

SEC. 2. This act to take effect from and after its passage.

## CHAPTER CXXXIV.

An Act to amend an act entitled an act to provide for the improvement of the Michigan road, approved February 13, 1841.

[APPROVED, JANUARY 29, 1842.]

Duty of co. b'd in Ripley county.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the board doing county business in the county of Ripley to so arrange the road districts in said county as to include so much of the Michigan road as lies within the limits of said county within proper districts, and that the citizens of said district shall not be required to perform any greater amount of labor on roads than is required of the inhabitants of other parts of the county.

SEC. 2. So much of the act to which this [is] an amendment as comes in conflict with the provisions of this act is hereby repealed.

This act to take effect and be in force from and after its passage.

## CHAPTER CXXXV.

An Act to amend an act entitled an act for the preservation of sheep, approved January 25th, 1841.

[APPROVED, JANUARY 22, 1842.]

*Be it enacted by the General Assembly of the State of Indiana*, That the act entitled an act for the preservation of sheep, approved January 25th, 1841, shall not be so construed as to extend to, or be in force in any county in this State, except the counties of Franklin and Fayette. This act to be in force from and after its passage.

Act of 1841 restricted in its operation.

## CHAPTER CXXXVI.

An Act to amend an act entitled "an act concerning ejectments, and for the relief of occupying claimants of land," approved January 13, 1831.

[APPROVED, JANUARY 22, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases where any occupying claimant being in quiet possession of any land for which such person can shew any plain and connected title in law or in equity, derived from the records of some public office, or being in quiet possession of and holding the same by deed, devise, descent, contract, bond or agreement from and under any person claiming title as aforesaid, derived from the records of some public office, or by deed duly authenticated and recorded, if any person or persons shall set up and establish a better and adverse title to said lands, such occupying claimant holding as aforesaid shall not be evicted or turned out of possession until he or she shall be fully paid the taxes, and the value of all lasting improvements, including street improvements made on said land by such occupying claimant, or by the person or persons under whom he or she may hold the same previous to receiving actual notice by the commencement of suit on such adverse claim.

Occupying claimant shall be paid taxes and value of improvements before being evicted.

SEC. 2. The value of said lasting improvements shall be ascertained by a verdict in the manner provided by the act to which this is an amendment; and so much of said act as requires in such cases an assessment of the value

Value of improvements, how ascertained.



of the premises, and allows the successful claimant an election either to demand of such occupying claimant the value of the land without improvements, or else pay such occupying claimant the value of his improvements, be, and the same is hereby repealed.

Successful claimant entitled to ground rent when.

SEC. 3. That whenever the successful claimant shall decline paying the occupying claimant the value of the improvements assessed in manner herein provided, the said occupying claimant shall be liable to pay said successful claimant the value of the ground rent of such land to be ascertained by jury, on the application of either party to the circuit court, or at the instance of either party by the jury empannelled, to determine the rents and profits and the value of the improvements as aforesaid; said rent to be paid annually, under the same rules that other rents are payable, and to be computed from the day of rendition of judgment on the verdict in ejectment; and either party may have a review of the finding of such jury as to the value of such rents, at any time, by application to the proper circuit court, on payment of the costs of such application: *Provided*, That the successful claimant or claimants may at any time thereafter extinguish the right of the occupying claimant by paying him or them the amount ascertained as aforesaid, with legal interest thereon; or the said successful claimant may have the value of the improvements reviewed and reascertained by jury or petition to the proper circuit court on payment of the costs of such application.

Proviso.

SEC. 4. This act shall take effect and be in force from and after its passage.

## CHAPTER CXXXVII.

An Act to amend an act entitled an act to regulate the mode of doing county business in the several counties therein named.

[APPROVED, JANUARY 31, 1842.]

Repeal.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the 26th section of the above recited act as authorizes the boards doing county business to make an extra allowance to clerks, be, and the same is hereby repealed.

## CHAPTER CXXXVIII.

An Act to provide for the appointment of a commissioner to make deeds, and for other purposes.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That in all cases where any person shall have heretofore died or shall hereafter die, leaving minor heirs who before his death may have executed a title bond for the conveyance of any real estate, without providing by will for the conveyance of the same, it shall be lawful for the executor or administrator of such deceased person to file his petition in the circuit or probate court of either the county in which such real estate may be, or any county in which any one of the defendants to such petition may reside, praying such court to appoint a commissioner to execute to the holder of such title bond a deed for such real estate, in pursuance of the terms of such bond.

Commissioner when and how appointed.

SEC. 2. The commissioner so appointed shall execute such deed and place the same in the hands of such administrator or executor, who shall by himself or agent deliver the same to the person holding such bond, upon his paying such administrator or executor all the purchase money which may be due or unpaid upon such real estate.

Deed to be delivered on payment of purchase money.

SEC. 3. Should the holder of any such bond, upon tender made, refuse to accept the deed so made, and pay the purchase money which may be due and unpaid, or otherwise complete and execute the original contract for the sale of such real estate, it shall be lawful for such executor or administrator to bring suit upon such contract and recover the amount of the purchase money due and unpaid.

Suit against holder of bond upon refusal to accept deed &c.

SEC. 4. In all such petitions the obligee and assignees of such bond (if any there be) and all the heirs at law of the deceased shall be made defendants, and shall be notified of the pendency of such petition by summons ten days before the commencement of the term of such court, or if any [of] such defendants shall be out of the State, they shall be notified by publication for three weeks in a newspaper published in the county in which such petition may be filed, or in the paper published nearest thereto, at least thirty days before the commencement of such court.

Defendants, who shall be.

This act shall be in force from and after its passage.



## CHAPTER CXXXIX.

An Act to repeal the 13th section of an act therein named, so far as it relates to the counties of Porter and Lake.

[APPROVED, JANUARY 31, 1842.]

Repeal.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the thirteenth section of an act approved February 20, 1841, as compels the county treasurer to advertise duplicates of taxes six weeks in some newspaper be repealed, so far as relates to Porter and Lake counties.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER CXL.

An Act supplemental to an act entitled an act to provide for the revision of the laws, approved February 4th, 1841.

[APPROVED, JANUARY 18, 1842.]

Revisors.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That George H. Dunn, Esq., be, and he is hereby associated with Hon. Samuel Bigger, and is hereby authorized in connection with said Samuel Bigger to carry out the object of the above recited act.

Their duty.

SEC. 2. That it shall be the duty of the said Samuel Bigger and George H. Dunn to compile all of the statutes or acts of the British Parliament not local to that kingdom or inconsistent with the laws of this State, and made in aid of the common law, except so much thereof as is excepted by an act entitled an act declaring what laws shall be in force, approved January 2, 1818, if they should deem it expedient and necessary, and to report the same at the next session of the General Assembly.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER CXLI.

An Act to amend an act entitled an act declaring Patoka a public highway and for other purposes.

[APPROVED, JANUARY 20, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the second section of an act entitled an act declaring Patoka a public highway and for other purposes, approved January 27th, 1841, as relates to the county of Dubois, be, and the same is hereby repealed.

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER CXLI.

An Act to amend an act entitled an act pointing out the mode of levying taxes, approved February 12, 1841.

[APPROVED, JANUARY 18, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the sixteenth section of an act entitled an act pointing out the mode of levying taxes, approved February 12, 1841, be and the same is hereby so amended, that for each license granted in any county in this State to vend wooden, brass and composition clocks, or clocks composed of either of them, the county commissioners shall cause to be paid into the county treasury a sum not less than seventy-five nor more than one hundred dollars; and the granting of said license and the person so vending shall be governed in all respects by the provisions of the act to which is an amendment.

SEC. 2. That the twelfth section of the above recited act be, and the same is so amended as to authorize the assessors to administer all oaths or affirmations required by said act to carry the same into effect.

This act be in force from and after its passage.



## CHAPTER CXLIII.

An Act to amend the act entitled an act supplemental to an act entitled an act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting-houses, or masonic lodges, approved February 10, 1831, approved February 16, 1839.

[APPROVED, JANUARY 29, 1842.]

Rector of Pr.  
Epis. Ch.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That nothing in the supplemental act to which this is an amendment shall be so construed as to deprive the rector of any Protestant Episcopal Church in this State of the right to a seat in the vestry of any such church whereof he may be such rector, or of any right or privilege to which before the passage of said act he might be or was entitled, but that such rector shall be *ex officio* a member of such vestry.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER CXLIV.

An Act to amend an act entitled an act more effectually to secure the purity of elections, approved Feb. 15, 1841.

[APPROVED, JANUARY 18, 1842.]

Witness in  
contested  
election.

*Be it enacted by the General Assembly of the State of Indiana*, That hereafter when any person may be called on or required to testify in any case of a contested election, it shall be his duty so to do, and the statements so made by any person in any such case shall not be given in evidence against him, on the trial of any presentment or indictment, under the provisions of the act to which this is an amendment.

This act to be in force from and after its passage.

## CHAPTER CXLV.

An Act to amend an act pointing out the mode of levying taxes, approved February 12th, 1841.

[APPROVED, JANUARY 17, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the county assessors within and for the several counties in this State be, and are hereby authorized and empowered to administer any and all oaths and affirmations contemplated by the act to which this is an amendment. Assessors authorized to administer oaths

SEC. 2. This act to take effect and be in force from and after its passage.

## CHAPTER CXLVI.

An Act to amend an act entitled an act declaring Patoka a public highway and for other purposes, approved January 27th, 1841.

[APPROVED, JANUARY 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be the duty of the county commissioners in Gibson county, at their June term in 1842, and annually thereafter, to lay off so much of said Patoka as lies in said county into such districts as will best suit the public interest and convenience, extending three miles on each side of said river, and shall appoint one supervisor in each district. Duty of co. b'd of Gibson county.

SEC. 2. That to each supervisor the said commissioners shall assign his river district, together with all the hands in said district subject to work on roads and highways under the laws of this State, and shall cause to be made out a certificate of his appointment, setting forth the boundaries of his district, which certificate the sheriff shall deliver to said supervisor. Districts to be assigned to supervisors.

SEC. 3. That all persons liable to work on roads and highways within said districts shall from, and after the taking effect of this act, be required to perform any number of days labor (not more than two nor less than one in each year) that may be deemed necessary by the supervisor of their district, said work to be done on Patoka, under the directions of the supervisors, for the purpose of Persons liable to work, &c.



removing obstructions to the passage of boats on said river: *Provided*, That no person shall be required to work on Patoka whose residence is nearer White river than to Patoka, unless it shall be within two miles of Patoka.

Repeal.

SEC. 4. That so much of the second and third sections of the act to which this is an amendment as relates to Gibson county be, and the same is hereby repealed.

SEC. 5. This act to take effect and be in force from and after its passage.

## CHAPTER CXLVII.

An Act for the attachment of a part of Stark county to the county of Laporte.

[APPROVED, JANUARY 29, 1842.]

Part attached.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That all that part of Stark county which lies north of the Kankakee river be, and the same is hereby attached permanently to the county of Laporte.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER CXLVIII.

An Act authorizing the issue of five dollar treasury notes, for the redemption of the fifty dollar treasury notes now in circulation.

[APPROVED, JANUARY 31, 1842.]

Five dollar notes to be issued.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the auditor of public accounts cause to be engraved and printed treasury notes of the State, of the denomination of five dollars, payable two years after date, bearing interest at the rate of one quarter of one per cent. per annum, to an amount equal to the probable amount of treasury notes of the denomination of fifty dollars that will remain in circulation after the payment of the revenue for 1841; the amount so to be

issued not, however, to exceed the sum of five hundred thousand dollars.

SEC. 2. That the said Auditor of Public Accounts shall fill up (except the date and the name of the person to whom they may be issued) and number, sign, and register said treasury notes, and deposit the same with the Treasurer of State, taking his receipt therefor, which he shall file in his office, and shall charge said Treasurer on his books with the amount thereof.

SEC. 3. That it shall be the duty of said Treasurer to sign said treasury notes and to fill up the name of the person to whom the same shall be delivered, and cause the same to be registered in his office, and shall therewith redeem the present issue of treasury notes of the denomination of fifty dollars by paying the same, dollar for dollar, without allowance for interest; and of his readiness so to redeem said fifty dollar treasury notes, the said Treasurer shall give notice in the public papers printed at Indianapolis.

SEC. 4. That the notes so authorized to be issued by this act shall be received in payment of all State taxes, and when so received, interest thereon shall be allowed at the rate aforesaid up to the first day of November of the year for the taxes of which they shall be so paid; and said notes shall also be received in payment of tolls and water rents on the public works, but when so received no interest shall be allowed thereon; and it shall further be the duty of said Treasurer, when the said notes shall become due, to pay the same and the interest thereon out of such moneys as shall be appropriated for that purpose; and when such appropriation is made, and the funds provided to redeem the same, he shall give notice thereof in the public papers printed at Indianapolis, and such of said notes as shall not be presented at the treasury for redemption in sixty days after such notice given, shall cease to draw interest; and the Treasurer in giving such notice shall state the amount and number of such treasury notes he can redeem, (if not the whole) giving the first notes the preference.

SEC. 5. That the registers required to be prepared for registering said treasury notes, shall be in the same form, and shall be kept in the same manner as those required for the late issue of treasury notes under the act entitled "an act for the immediate relief of contractors and others engaged on the public works;" and the said notes when redeemed shall be entered and cancelled on such registers, in the same manner as is required in the act aforesaid.



Further duty  
of Auditor and  
Treasurer.

SEC. 6. That the said treasury notes by this act authorized to be issued, shall by said Auditor be delivered to the Treasurer in parcels not exceeding \$50,000; and before any second parcel is delivered, the Treasurer shall account and settle with the Auditor for the amount by producing the fifty dollar notes therewith redeemed; and the said notes so produced shall by said Auditor and Treasurer be cancelled, by being cut by some sharp instrument, and for the amount thereof the Auditor shall issue his warrant to the Treasurer.

Treasury  
notes general-  
ly to be can-  
celled.

SEC. 7. That all other treasury notes redeemed at the treasury shall, annually, within thirty days after the adjournment of the General Assembly, be counted by the Auditor and Treasurer of State, and thereupon cancelled, and a warrant issued therefor, in like manner as provided in the preceding section, and shall also be entered 'cancelled' in the proper register thereof; and the same, together with those cancelled under the preceding section of this act, shall be carefully preserved by said Auditor, until a committee of the next General Assembly shall count and compare the same with the registers thereof, when the same shall be burned in the presence of said committee and said Auditor and Treasurer; and certificates thereof showing the number, date, and amount of said treasury notes so burned, and the interest thereon, shall be signed by said committee, and said Auditor and Treasurer, and filed in the Auditor's and Treasurer's office.

Appropriation

SEC. 8. That for the purpose of carrying into effect the provisions of this act, such sum as shall be necessary to that end, be, and the same is hereby appropriated out of the internal improvement fund, not to exceed one thousand five hundred dollars: *Provided*, That the plate formerly used in striking five dollar treasury notes shall be used, with such alterations as may seem necessary.

Proviso.

Repeal.

SEC. 9. That the joint resolution entitled, "a joint resolution of the General Assembly of the State of Indiana on the subject of the redemption and cancelling of treasury notes," approved February 13th, 1841, be, and the same is hereby repealed.

## CHAPTER CXLIX.

An Act to amend certain acts therein named.

[APPROVED, JANUARY 17, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That from any decision of the township trustees of the several counties in which the act entitled an "act providing for a more uniform mode of doing township business in the several counties therein named," approved February 17, 1838, is in force, and also from any decision of the township trustees in the several counties subject to the provisions of the act entitled "an act to amend and revise the act entitled an act to incorporate the several townships in the county of Dearborn, approved February 7th, 1825, and for other purposes," approved February 1, 1834, any person who may feel aggrieved thereby shall have the right to appeal to the proper circuit court, under the same rules and regulations as are now prescribed by law for taking appeals from the decisions of the boards doing county business in the several counties in this State.

SEC. 2. This act shall take effect and be in force from and after its passage.

## CHAPTER CL.

An Act to repeal a portion of a joint resolution on the subject of the Michigan road lands, approved February 15, 1841.

[APPROVED, DECEMBER 31, 1841.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of a joint resolution, approved February 15th, 1841, as provides for the issuing of deeds or patents to seminary and saline lands by the Secretary of State, or any other act of the last General Assembly, making it his duty so to do, be, and the same is hereby repealed, and the Treasurer of State shall issue the same as heretofore.

SEC. 2. This act to be in force from and after its passage.



## CHAPTER CLII.

An Act to extend the provisions of an act for the preservation of sheep, approved January 25th, 1841, to the county of Delaware.

[APPROVED, JANUARY 29, 1842.]

Act extended  
to county of  
Delaware.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of an act entitled "an act for the preservation of sheep," approved Jan'y 25, 1841, be, and the same are hereby extended to the county of Delaware.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER CLII.

An Act relative to licensing groceries in the counties of Carroll and Cass.

[APPROVED, JANUARY 31, 1842.]

No license to  
be granted un-  
less voters of  
township are  
in favor of it.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall not be lawful for the board doing county business in the said counties to grant any grocery license in any township in the said counties, unless a majority of the qualified voters of such township are in favor of such license being granted.

Vote to be  
taken at the  
April elec-  
tions.

SEC. 2. That for the purpose of ascertaining the wishes of the voters aforesaid relative to the granting of licenses in the various townships in said counties, it shall be lawful for the said voters, on the first Monday in April next, at the annual township elections in said counties, to vote by ballot for or against the granting of such license in the township where such voters reside.

Vote how  
taken.

SEC. 3. That for the purpose of taking the vote upon the question aforesaid, each and every voter at the said election may endorse in writing upon the back of his ballot or ticket given at the said election, if in favor of license being granted in the township in which he resides, the word "license" in a legible manner, and if the said voter is opposed to license being granted as aforesaid, he may endorse upon his ballot the words "no license."

Certificate to  
be made to

SEC. 4. And the judges and inspector of the said elections shall count the votes so taken in their respective

townships, and certify the same to the clerk of the circuit court, who shall lay the same before the board doing court. county business at its next session after the said election, and if by the returns so transmitted and certified to the said clerk, it shall appear that a majority of all the votes given in any township are against license being granted in that township, the said board are and shall be prohibited from granting any grocery license in the said township, but if in any township a majority of all the votes given are in favor of license being granted in that township, it shall and may be lawful for the said board to grant grocery license to any and all persons who may desire the same, upon the application of the person desiring the same, under the same rules and regulations, and according to the laws now in force on that subject.

SEC. 5. Should any keeper or keepers of any grocery in said counties knowingly permit any person or persons to play any game of chance therein, for money or other articles of value, that fact shall be sufficient evidence that said grocery is a nuisance, and upon proof of the same, upon presentment or indictment in the circuit court of said county, the said court shall revoke the license to keep said grocery. Penalty for  
permitting  
gaming in a  
grocery.

SEC. 6. This act shall be in force from and after its passage.

## CHAPTER CLIII.

An Act to confine the voters of Hamilton, Steuben, De Kalb, Union, Franklin, St. Joseph and Cass to their respective townships, and for other purposes.

[APPROVED, JANUARY 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter no person shall be allowed to vote at any election in the counties of Hamilton, Steuben, De Kalb, Union, Franklin, St. Joseph and Cass except in the township in which such person shall actually reside. Voters con-  
fined to their  
own town-  
ships.

SEC. 2. This act to take effect and be in force from and after its passage.



## CHAPTER CLIV.

An Act to exempt the lands of revolutionary soldiers from taxation.

[APPROVED, JANUARY 29, 1842.]

160 acres of  
land exempt.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the provisions of the second section of the act entitled an act pointing out the mode of levying taxes, approved February 12, 1841, be, and the same are hereby extended so as to include one hundred and sixty acres of land belonging to any revolutionary soldier, and to that extent the lands of said persons are declared exempt from taxation.

Evidence re-  
quired, what.

SEC. 2. That any revolutionary soldier who is a pensioner of the United States shall have the benefits of the exemption hereby made, without making any other proof than the production of his or their pension certificate, to the board doing county business; and any revolutionary soldier who may wish to avail himself of the provisions of this act, and who is not a pensioner of the United States, shall have the privilege of proving before said board, either by his own oath or by the oath of some other reputable citizen of the United States, that he performed service in or during the revolutionary war; and the order of said board shall be sufficient evidence to authorize such exemption.

SEC. 3. This act shall be in force from and after its passage.

## CHAPTER CLV.

An Act to amend an act allowing and regulating the writ of *ad quod damnum*, approved December 20, 1823.

[APPROVED, JANUARY 29, 1842.]

Writ granted  
where dam is  
already built.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That it shall be lawful for any person who has already erected a dam, to make application for a writ of *ad quod damnum* in like manner as if he were desirous of erecting a dam, but had not already done it.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER CLVI.

An Act for the better security of the college and seminary funds arising from the lands in Gibson and Monroe counties.

[APPROVED, JANUARY 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That hereafter it shall be the duty of the agent or agents of seminary lands in the counties of Gibson and Monroe to report to the Treasurer of State, on or before the first of November in each and every year the amounts of lands sold, the amount unsold, the amount of money, both principal and interest, received for lands sold, the amount of lands leased, and for what time leased, also the probable value of the lands unsold, and all other information in relation to the same that may be of interest to the State.

SEC. 2. It shall be the duty of the Treasurer of State to make a report of the same to the Legislature each and every year at the same time he makes his annual report, and also it shall be the duty of the Treasurer to make a duplicate report of the same to the said board of trustees of the State University each and every year.

SEC. 3. If any agent shall neglect or refuse to make report as aforesaid, he shall be subject to indictment, and on conviction thereof shall be fined in any sum not less than fifty dollars.

This act to be in force from and after its publication.

## CHAPTER CLVII.

An Act to change the mode of doing county business in Daviess county.

[APPROVED, JANUARY 17, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That so much of the first section of the act regulating the mode of doing county business in the several counties in this State, approved February 17th, 1838, so far as doing county business by justices of the peace in Daviess county, be, and the same is hereby repealed.

SEC. 2. It shall be lawful for the qualified voters of the said county of Daviess on the first Monday in August, to be



1842, to elect three commissioners, having the qualifications of electors, who shall be governed in all respects by the laws now in force concerning boards doing county business: *Provided, however,* That no commissioner shall receive more than one dollar and fifty cents for each day he may necessarily be employed in transacting county business; and said board of commissioners when organized shall possess the powers and authority heretofore given to the board of justices.

Com'rs  
districts.

SEC. 3. And it is hereby made the duty of the present board doing county business to meet on the first Monday of May, eighteen hundred and forty-two, and lay off the said county of Daviess into three equal commissioner's districts, numbered in numerical order, one, two and three, and one commissioner shall be elected in each of said districts, by a vote of the whole county; and said districts when so laid off may be altered once every year thereafter, if justice require it, and not oftener; but when a vacancy shall occur in said board of commissioners, the same shall be supplied by a person to be elected by said board of commissioners from such district or districts in which such vacancy occurs.

SEC. 4. This act to take effect and be in force from and after its passage: *Provided, however,* That nothing in this act shall be so construed as to prevent the present board of justices from transacting the county business of said county until the said board of commissioners are elected and qualified into office.

#### CHAPTER CLVIII.

An Act to amend an act entitled an act to provide for opening and repairing public roads and highways in the counties of Owen, Lawrence and Greene, approved February 1, 1834.

[APPROVED, JANUARY 8, 1842.]

Repeal.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That so much of the above recited act as relates to the counties of Greene and Owen, be, and the same is hereby repealed.

This act to take effect and be in force from and after its passage.

#### CHAPTER CLIX.

An Act to amend an act entitled an act to provide for a more uniform mode of doing township business in the several counties therein named, approved February 17, 1838.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That if the township trustees or clerk or either of them, shall fail to attend at any election in their respective townships at the proper time, the qualified electors are hereby authorized to appoint suitable persons (having the legal qualifications of voters) to act as judges and clerks of election for the time being, and when so appointed, after taking the necessary oath, shall be governed in all respects as are now required by trustees and clerks; and the necessary oaths required by this section may be administered by either of the persons appointed by the provisions of this section.

Judges and  
clerks to be  
appointed pro  
tem. when.

SEC. 2. That all the supervisors elected under the provisions of the act to which this is an amendment, shall respectively make their returns to the township trustees on the first Monday in March annually, with whom they shall make settlement, at which time they shall file with the proper township clerk a true list of the names of all the persons in their proper road districts who are liable to perform labor on roads and highways, from which list the township clerk shall make out an exact copy, and furnish each and every supervisor in his proper township immediately after they shall be qualified to act as such supervisors.

Return of su-  
pervisors.

SEC. 3. That all the township officers elected agreeably to the provisions of the act to which this is an amendment, shall within ten days after their election, take an oath or affirmation, before some person authorized to administer the same: *Provided,* That if the necessary oath be taken before any other officer than the township clerk, it shall be the duty of the person taking the oath to file with the proper township clerk a certificate of the officer administering the same, within ten days from the time of his election: *Provided,* That if any person elected by the provisions of the act to which this is an amendment, shall fail or neglect to serve or comply with the provisions of this section, shall forfeit and pay the sum of two dollars, to be recovered by an action of debt before any justice of the peace of the proper township: *Provided,* That the trustees shall exonerate any person with-

Oath of town-  
ship officers.



in ten days after his election, if it shall be shown to their satisfaction that he should not serve in said office.

**Duty of trustees and clerk.** SEC. 4. That it shall be the duty of the trustees and clerks elected under the provisions of said act, to meet on Wednesday, the tenth day after the annual township election in every year, between the hours of twelve and four o'clock in the afternoon, for the purpose of taking the acknowledgment of the official bonds of the township officers and for other purposes.

**Act restricted.** SEC. 5. That the provisions of this act shall only extend to the counties of Adams, Jay and Allen.

**Repeal.** SEC. 6. That all laws and parts of laws coming within the purview of this act, be, and the same are hereby repealed.

This act to be in force from and after its publication.

## CHAPTER CLX.

An Act appointing commissioners to locate and re-locate State roads therein named.\*

[APPROVED, JANUARY 31, 1842.]

**Brookville to Cincinnati.** SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That Thomas Winscot and William McClerey, of the county of Franklin, together with the county surveyor of said county of Franklin are, and they are hereby appointed commissioners to re-locate so much of the state road leading from Brookville to Cincinnati which lies between the east fork of White Water river, and the point at which said road intersects the tow-path of [the] White Water Canal below James Stoop's, so as to run [as] near the line of said canal as practicable, having due regard to private property as well as public good. Said commissioners shall report their doings to the county board doing county business in and for said county, who may either confirm or set aside said re-location, as to them may seem just and right; and in case said board confirms said re-location, then and in that case, the old road laying between said points as above named, shall be, and is hereby declared vacated.

**Madison to Brownstown.** SEC. 2. That William D. Bacon, of Jennings county, be, and he is hereby appointed a commissioner to view,

\* This act is published among the general acts at the request of the committee on roads of the House of Representatives.

mark, and locate a part of the state road leading from Madison, in the county of Jefferson, to Brownstown, in the county of Jackson, commencing at the north west corner of the south east quarter of section twenty-six, in town five north, of range seven east, in Jennings county, running thence south forty poles, thence an easterly direction, the nearest and best way until it intersects the state road at or near the east line of said quarter section.

SEC. 3. That Ebenezer Thompson be, and he is hereby appointed to locate a state road on the south side of Little river, from Huntington to a point where it intersects the Fort Wayne state road near the ford where said road now crosses Little river. **Huntington to the Fort Wayne road, &c.**

SEC. 4. That John Studibaker and Michael Miller be, and they are hereby appointed commissioners to view, mark and locate a state road, commencing at Decatur, in the county of Adams, and running on the Decatur and Murray state road two miles and a half west of Decatur, thence on the most direct route where suitable ground may be found, to the outlet of the Big Prairie, near the south east corner of section ten, in township twenty-seven north, of range thirteen east, from thence to the court house in the county of Wells. **Decatur to Wells court house.**

SEC. 5. That Isaac Stewart, John Misener and Joseph Fox, be, and they are hereby appointed commissioners to re-locate and mark the state road running from Peru, in Miami county, to Rochester, in Fulton county, on the same ground as near as the same can be ascertained where said road was formerly located; said commissioners shall, on the second Monday in June next, or as soon thereafter as practicable, attend at Peru as aforesaid, and with the assistance of the county surveyor of said county of Miami, and such other assistance as they may deem necessary, and proceed, after having taken an oath faithfully to discharge the duties assigned them by this act to relocate and mark said road. **Peru to Rochester.**

SEC. 6. That Bowen Hale and William McBride are, and they are hereby appointed commissioners to view, mark and locate a state road, commencing at the north end of Main street, in the town of Bluffton, in the county of Wells, running thence north to Fort Recovery and Huntington state road, thence on the nearest and best ground until it shall intersect the Cambridge City and Fort Wayne state road, at or near the south east corner of section twenty-one, in township number twenty-seven north, of range twelve east. **Bluffton to intersect Fort Wayne, &c. road.**

SEC. 7. That Bradley Witham, Edward J. Kidd and William D. Horner be, and they are hereby appointed commissioners to view and mark and locate a state road **Opposite Peru to Noblesville.**



to commence on the southern bank of the Wabash river, opposite Broadway street, in the town of Peru, in Miami county, and run on the nearest and best ground to Noblesville, in Hamilton county.

Orleans to  
Wood's ferry,  
&c., road.

SEC. 8. That William Burton, Lewis Rout and Joseph Connely, of the county of Lawrence, be, and they are hereby appointed commissioners to view, mark and locate a state road, commencing at the town of Orleans, in the county of Orange, and running thence by the way of Fulton's mills, the Spicewood Valley meeting-house and Paris in said county of Lawrence, thence to some convenient point on the state road leading from Wood's ferry in said county of Lawrence to Bloomfield, in Greene county.

Palestine to  
Warsaw and  
Peru, road.

SEC. 9. That Daniel Underhill and David Garvin, of the county of Kosciusko, be, and they are hereby appointed commissioners to view, mark and locate a state road, commencing at the village of Palestine, in Kosciusko county, Indiana, thence running south to the section corner of sections two and three, in township thirty-one north, of range five east, thence running due south on the section line, or as near thereto as practicable, until it intersects the state road leading from Warsaw, in said county of Kosciusko, to Peru, in Miami county, at or near Musselman's mill, in Wabash county, Indiana; and it shall be the duty of said commissioners, on the sixth day of June next, or within sixty days thereafter, to proceed and locate said road, and report their proceedings as contemplated by law.

Mishawaka to  
Syracuse.

SEC. 10. That James McCloud, William Davis and Fleming Wright be, and they are hereby appointed commissioners to re-locate so much of the state road extending from Mishawaka, in St. Joseph county, to Syracuse, in Kosciusko county, as lies between the crossing of Turkey creek, near Adam Grove's in Jackson township, Elkhart county, and thence running on the county road to sections twenty-five and thirty-six, in township thirty-five north, range five east, and thence running on the county road to James Pike's, and thence running north until it intersects said state road; and the said commissioners shall make report to the board doing county business in the county of Elkhart, who may either confirm or reject said re-location as to them may seem just and right.

Manchester,  
in Wabash co.  
to the road  
from Lagro to  
Warsaw.

SEC. 11. That John Comstock, of Wabash county, be, and he is hereby appointed to view, mark and locate a state road, commencing at the south end of lot number eighty-six, in the town of Manchester, Wabash county, Indiana, thence running a north east direction to the dividing sections, thirty-two and thirty-three, in township number thirty, range seven east, thence north on or near

said line to the north end of John Ulery's land, thence on a direction a little west of north, to the residence of M. Knoop, in Wabash county, thence in said direction to intersect the state road from Lagro to Warsaw at the nearest suitable point in Kosciusko county; and the said commissioners shall, on the sixth day of June next, or within sixty days thereafter, proceed and locate said state road, and make his report of the same according to law.

SEC. 12. That so much of the state road leading from Danville to Lebanon, in Hendricks county, to Lebanon, in Boone county, as lies north of the main state road leading from Indianapolis to Crawfordsville to where the said Danville road crosses the line between the counties of Boone and Hendricks, be, and the same is hereby vacated.

SEC. 13. That so much of the road commonly known as the Graham road, in Jefferson county, on the recorded route thereof as lies between the north end of Walnut street, in the city of Madison, and a point in the state road leading from Canaan to the seven mile post on the Michigan road, where the said Graham road intersects the same, be, and the same is hereby declared a state road.

Graham road  
in Jefferson  
county.

SEC. 14. That the county road commencing at the south east corner of Asa Rogers' farm, in Putnam county, thence to Portland mills, and thence to Rockville, in Parke county, be, and the same is hereby declared a state road: *Provided, however,* That said road shall not be in any manner changed.

Asa Rogers'  
to Rockville.

SEC. 15. That county roads shall be thirty-three feet wide in all cases where county boards have failed or neglected, or hereafter may fail or neglect to define the width of such county roads.

Width of  
county roads.

SEC. 16. The commissioners herein appointed shall meet at some proper place as they may agree, on or before the second Monday in June next, or so soon thereafter as shall be convenient, and, after being sworn, shall proceed to discharge their several trusts hereby created, and shall make return of their proceedings to the clerks of the boards doing county business in their respective counties, and shall be governed in all other respects by the provisions of an act entitled an act defining the duties of commissioners appointed to locate state roads, and for other purposes, approved February 1st, 1834.

Com'rs to  
meet, &c

SEC. 17. This act to take effect and be in force from and after its passage.



## CHAPTER CLXI.

An Act further to amend an act entitled an act relating to public roads and highways, approved February 17th, 1838.

[APPROVED, JANUARY 31, 1842.]

County boards may divide districts and appoint additional supervisors.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the boards doing county business in the several counties in this State, may, whenever they shall deem it expedient so to do, divide the several road districts in their respective counties as will in the opinion of such board best comport to the convenience of the hands worked in such district; and such board may appoint additional supervisors, who shall cause their respective roads to be worked, and make return in all respects conformably to the provisions of the act to which this is an amendment, and the acts amendatory thereto.

Application for change of road, how made.

SEC. 2. That hereafter whenever any person or persons shall make application for the change of any public road or highway, as provided by the acts to which this is an amendment, (unless such change is intended to be on his or her own land) such application shall be made by petition, signed by at least twelve freeholders, a majority of whom shall reside in the immediate neighborhood where such change is desired to be made.

Width of roads.

SEC. 3. That in all cases where the width of any public road is not fixed and established by law, or by the record of the board doing county business in the proper county, the width of all such roads is hereby established at forty feet, and shall be opened and kept in repair accordingly.

Compensation to supervisors.

SEC. 4. That for the purpose of reducing the county expenses, the several boards doing county business in this State may, at any legal term of said board, when they shall deem the interest of their respective counties require it, or when applied to by petition so to do, make and record in the proper record book of said board an order that each supervisor in full compensation for his services as such supervisor, shall be exempt from a road tax, and from working on public roads for two years next succeeding the rendition of such service, and shall not be required to serve as supervisor during such exemption.

Repeal.

SEC. 5. That all laws and parts of laws contravening the provisions of this act, be, and the same are hereby repealed.

## CHAPTER CLXII.

An Act to fix the fees of sheriffs in certain cases.

[APPROVED, JANUARY 22, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the sheriffs of the several counties in this State, shall be allowed the following fees in addition to the fees now allowed by law: For advertising notice of the sale of real estate in a newspaper, a sum not exceeding one dollar per square of two hundred and fifty ems; and in case the publisher of the nearest newspaper shall refuse to publish said notice at the aforesaid rate, it shall be lawful for the sheriff or other officer to dispense with the advertisements now required by law in such cases, [and] post up a written advertisement of such sale on the court-house door where said real estate is to be offered for sale.

Additional fees to shff's.

SEC. 2. This act to be in force from and after its passage.

## CHAPTER CLXIII.

An Act changing the mode of doing county business in the county of Clay.

[APPROVED, JANUARY 17, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the qualified voters of the several townships in the county of Clay shall, at the annual township elections, on the first Monday in April in each year, elect one of the justices of the peace from each township in said county, to do the county business of said county for one year, and until his successor shall be duly elected and qualified.

One justice to be elected in each township to do county business.

SEC. 2. The said election shall be conducted in all respects as township elections are now authorized by law to be conducted, and the returning judges thereof shall make report of such election to the clerk of said county who shall notify such justice of the peace of his election.

Election, how conducted.

SEC. 3. The said justices of the peace so elected, as in this act provided for, shall constitute the board of com-

Justices to constitute b'd of com'rs.



missioners of said county, and said board shall in all respects be governed by the laws now in force regulating the mode of doing county business in this State.

Penalty for failing to attend, &c.

SEC. 4. If any justice of the peace elected under the provisions of this act, shall wilfully fail or refuse to attend any regular session of said board, he shall be considered as in contempt of the authority of said board, and shall for each default as aforesaid be fined in the sum of three dollars.

Compensation

SEC. 5. In addition to the exemptions now allowed by law, the members of said board shall receive seventy-five cents each per day for each and every day they may be necessarily engaged in attendance, as members of said board.

SEC. 6. This act to be in force from and after its passage.

#### CHAPTER CLXIV.

An Act to amend an act relating to public roads and highways, approved February 17, 1838.

[APPROVED, JANUARY 29, 1842.]

Supervisors to give bond.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That before the several supervisors of this State shall be authorized to draw the amount of road tax due their respective districts, they shall execute and file with the clerk of the board doing county business in the proper county, a bond with approved security, made payable to the State of Indiana, in a penalty of double the amount of money which, as such supervisor, will be received, conditioned for the faithful application of said road tax according to law.

SEC. 2. This act to be in force from and after its passage.

#### CHAPTER CLXV.

An Act to provide for opening and repairing public roads and highways in the counties of Gibson and Pike.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter in the counties of Gibson and Pike, each and every able bodied man of the age of twenty-one years and under fifty, except such persons as are by the general laws now excepted, and such other persons as shall for good cause be excused by the board of commissioners, shall be subject to work on roads and highways in said counties of Gibson and Pike, in the road district in which he resides, whenever the supervisor of such district shall consider it necessary; and if any such person has had three days' notice of the time and place allotted for working any road or highway in such district, and shall fail to attend in person or substitute satisfactory to the supervisor, at any time and place, with such tool or implement as the supervisor may direct, or having attended shall neglect or refuse to obey the reasonable directions of the supervisor as to such work, or spend his time in idleness, and neglect the business assigned him, he shall forfeit and pay the sum of seventy-five cents for each day's default, in an action of debt, brought in the name of the supervisor before a justice of the peace, which sum recovered, the supervisor shall expend in repairing the roads in his district: *Provided,* That persons liable to work on roads in the aforesaid counties shall work at least two days in each year.

Persons to work whenever the supervisors think it necessary.

Penalty for failing to work.

SEC. 2. Every person who shall at the request of the supervisor furnish a plough or wagon with a pair of horses or oxen and a driver, and with them perform one or more days' work, shall for each days work so performed receive a credit for three days' work, and so in proportion for services of a similar kind with greater or less force.

Work done by wagon and horses, &c.

SEC. 3. The said supervisors, before entering upon their duties as such, shall take an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to discharge the duties enjoined.

Oath of supervisors.

SEC. 4. Any householder refusing to accept said appointment of supervisor, or to take the oath required, shall forfeit and pay the sum of six dollars, to be recovered by presentment or indictment: *Provided,* No person shall be compelled to accept said appointment oftener than once in four years.

Penalty for refusing to act as supervisor.



Board to app't supervisors. SEC. 5. The board of commissioners of said counties shall, at their March term, appoint a suitable number of supervisors, and designate for each of them the district, together with the number of hands allotted, and cause to be forwarded to him a certificate of his appointment, setting forth the boundaries of his district and hands. It shall be the duty of the sheriffs of said counties to deliver to the supervisors respectively their appointments, and make return thereof to the clerk of said board, who shall enter the same on the records of said court.

Duty of sheriff Notice. SEC. 6. Where the supervisor has not an opportunity of giving personal notice of the time and place allotted for such work, a written notice thereof left at the dwelling-house or usual place of residence of the party shall be deemed sufficient.

Compensation SEC. 7. Each supervisor shall be allowed seventy-five cents per diem for every day he may be necessarily employed in the discharge of his duties, to be paid out of the county treasury, except two days for his personal privileges.

Owners of farms to remove obstructions, SEC. 8. When a public road or highway shall run through or border on any plantation, and become obstructed by the falling of trees or otherwise, it shall be the duty of the owner of such plantation to remove such obstruction so soon as the same shall come to his knowledge, for which the supervisor of such road shall give him a reasonable compensation by a credit on his liability to work on roads.

Penalty against supervisor for failure in duty. SEC. 9. If any such supervisor shall wilfully fail, refuse or neglect to keep the road or roads in his district in good repair, to faithfully expend all moneys received by him for the use and repair thereof, or to comply with any duty enjoined on him by law, he shall for such failure or neglect be fined in any sum not less than ten nor exceeding fifty dollars, to be recovered before any justice of the peace (or by presentment or indictment in the circuit court,) of the proper county.

Road tax repealed. SEC. 10. This act is hereby declared to be in force from and after its passage, in the counties of Gibson and Pike, and all laws and parts of laws requiring a road tax on the lands in said counties, or coming within the purview of this act are hereby repealed, so far and only so far as relates to said counties.

## CHAPTER CLXVI.

An Act to authorize the distribution of the road laws.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Secretary of State be required to have six thousand copies of the general and special laws of this State in relation to "roads and highways" printed and stitched in pamphlet form for the use of supervisors of roads, and that the same be distributed *pro rata* among the several counties at the same time the laws for this session are delivered, and that they be delivered to the various supervisors by the county auditors.

SEC. 2. That the supervisors shall be required to deliver said laws to their respective successors, under the same penalty provided to compel them to pay over money in their hands to their successors, in chapter 91, section 52, revised code, in relation to roads and highways.

## CHAPTER CLXVII.

An Act to amend an act concerning insane persons, approved January 22, 1818.

[APPROVED, JANUARY 31, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana,* That any person who shall have been or who may hereafter be declared insane under the provisions of the act to which this is an amendment, may file his or her petition in the circuit or probate court of the proper county, setting forth that such insanity no longer exists, and praying an inquiry in relation thereto.

SEC. 2. Upon the filing of any such petition, it shall be the duty of said court to direct the sheriff of said county to summon twelve disinterested men of the county to inquire into the fact, who shall be governed by the provisions of the second section of the act to which this is an amendment, and make return of their proceedings to the court from which such order may have issued; and if such jury shall determine that such petitioner is no longer insane, all rights, powers, and duties which may have de-



volved upon or been acquired by his or her guardians, shall cease and determine; but if such jury shall find that said person is still insane, such further proceedings shall be had in the premises as if no such petition had ever been filed under the provisions of this act.

Judgments  
against guar-  
dians prosecu-  
ted against  
petitioner, &c.

SEC. 3. Whenever such jury shall determine that such petitioner is no longer insane, all judgments, executions and suits then pending by or against the guardians of such person may survive and continue, and be prosecuted to final judgment and execution by or against such petitioner, in the same manner as if such suit or other proceeding had been originally commenced by or against him or her in his or her proper person; and such guardian or guardians shall be liable to account to such petitioner in the same manner as is provided for the accounting of guardians in other cases.

Guardians to  
account.

SEC. 4. This act shall take effect and be in force from and after its passage.

## CHAPTER CLXVIII.

An Act amendatory of the several acts regulating foreign and domestic attachment.

[APPROVED, JANUARY 31, 1842.]

Proceedings  
against debtor  
of def't in at-  
tachment.

SEC. 1. *Be it enacted by the General Assembly of the State of Indiana*, That any plaintiff or creditor in any action or proceeding in attachment in any court of this State shall be and he is entitled to proceed against any debtor or other person having property of the defendant, in the said action of attachment, in his possession, under the laws now in force regulating proceedings against garnishees, whether any property be attached by the original writ of attachment or not, and the failure of the officer serving such original writ of attachment to attach property of the defendant thereon, or return the same, shall not prevent the issuing of process or recovery against the garnishee.

Attachment  
may issue  
against non-  
resident joint  
debtor with-  
out affecting  
remedy  
against the  
resident debt'r

SEC. 2. That hereafter when any one or more of any number of joint or joint and several debtors shall be a non-resident of the State of Indiana, or shall so abscond or conceal himself, herself or themselves, that the usual process of law cannot be served upon him, her or them, it shall and may be lawful for any creditor or creditors, his, her or their agent or attorney to sue out and prosecute a

writ of foreign or domestic attachment, as the case may be, against the lands, tenements, goods, chattels, rights, credits, moneys and effects of such non-resident debtor or debtors, either before or after suit instituted or judgment obtained against the resident debtor or debtors, and said writ shall in all respects be prosecuted under the provisions of the several laws now in force, the same as if such person or persons were not joint or joint and several debtors: *Provided*, That nothing in this act shall be so construed as to prevent the bringing and prosecuting of any suit against such resident joint debtors, as is now authorized by law.

SEC. 3. This act to be in force from and after its passage.

## CHAPTER CLXIX.

A Joint Resolution on the subject of lands mortgaged to the sinking fund.

[APPROVED, DECEMBER 11, 1841.]

*Whereas*, It appears by the advertisement in various Sale postponed newspapers of this State, that numerous tracts of land are this day, to-wit: the 11th instant, at 2 o'clock, P. M., to be sold, which have been mortgaged to the State for and on account of moneys borrowed from the sinking fund; And whereas, from the embarrassment of the times, numerous individuals are wholly unable to pay their instalments without further time; And whereas, this is a time when the legislature is importuned from day to day on the subject of relief, no one of which deserves higher consideration and more urgent attention upon our part than the one above mentioned. Therefore,

*Resolved by the General Assembly of the State of Indiana*, That the day of sale of said lands is hereby postponed until the first day of March next.

*Resolved*, That this joint resolution be in force from and after its passage, and that a certified copy be immediately made out by the Secretary of State and handed to the commissioner of the sinking fund.



## CHAPTER CLXX.

A Joint Resolution appointing an agent to examine the state and condition of the State Bank and each and every branch thereof.

[APPROVED, JANUARY 22, 1842.]

N. B. Palmer  
agent.

*Be it resolved by the General Assembly of the State of Indiana,* That Nathan B. Palmer be, and he is hereby appointed agent on the part of the State to examine the state and condition of the State Bank of Indiana and each and every branch thereof.

Duty.

*Be it further resolved,* That it shall be the duty of said agent, after taking an oath faithfully and impartially to discharge his duties as such agent, to proceed to the examination of said State Bank and each and every branch thereof, and make a complete and thorough examination of the same, and all the effects and business thereof, and all violations of law, and that he report the result of his examination to the next session of this General Assembly, during the first week thereof.

*Be it further resolved,* That said agent in his report shall specify particularly and in separate columns, or items, the amount of each and every kind of funds, together with the kind, amount, and probable value of the banking-houses, fixtures and furniture of said institution, with the names, salaries and allowances of the several officers connected therewith; and generally he shall communicate all the knowledge he may be able to acquire relating to all matters appertaining to the condition, the affairs and business of said bank, and the several branches thereof, with any such remarks or suggestions as he may deem of importance to the interests of the institution or the State.

## CHAPTER CLXXI.

A Joint Resolution of the Legislature of the State of Indiana in relation to Indiana University.

[APPROVED, JANUARY 27, 1842.]

Preamble.

*Whereas,* It is made the duty of the General Assembly of the State of Indiana, by the second section of the 9th article of the constitution of the aforesaid State, so soon as circumstances will permit, to provide by law for a ge-

neral system of education, ascending in a regular gradation from township schools to a State University, wherein tuition shall be gratis and open to all: Therefore,

*Be it resolved by the General Assembly of the State of Indiana,* That the trustees of Indiana University be, and are hereby required, at the next regular meeting of said board, to examine into the resources of said University and make full and complete report of the same to the next Legislature, together with the amount of salaries paid to professors, and all other expenses of said institution; and also, whether in their opinion the resources of said University are sufficient to enable the Legislature to pass a law making tuition gratis, in compliance with the constitution of the State above referred to. <sup>Trustees to examine into resources.</sup>



## CHAPTER CLXXI.

An Act further to amend an act entitled an act for the prevention of frauds and perjuries, approved January 24th, 1831.\*

[APPROVED, JANUARY 29, 1842.]

SEC. 1. *Be it enacted by the General Assembly of the* Deeds executed out of the State, when admitted to record.  
*State of Indiana,* That all deeds and conveyances made and executed by any person without the State, and brought hither to be recorded in the county in which the lands granted or conveyed by said deeds are situate, the acknowledgement thereof having been made before a mayor or of any city or town, or a notary public, or the clerk of any court of record, the same being certified under the hand and seal of office of said notary public, or mayor, or clerk, shall be admitted to record, and have the same force and effect as if acknowledged before a justice of the peace of the county where such land is situated.

\*This act should have preceded the certificate.

SECRETARY'S OFFICE, }  
 INDIANAPOLIS, 20th APRIL, 1842. }

INDIANA, TO-WIT:

I do certify that I have compared the foregoing printed acts with the original rolls on file in my office, and found them correct, with the exception of the words included [thus] inserted to aid the sense.

WILLIAM SHEETS,  
 Secretary of State.



*Extract from the report of the Auditor of Public Accounts showing  
"the receipts and expenditures of the public money" for the year  
1841.*

### No. 1. GENERAL REVENUE.

The amount of revenue remaining in the Treasury, provided all warrants audited up to 31st October, 1840, were paid, - - - - -	\$ 9,221 23
The amount of revenue collected and paid by collectors the year ending October 31, 1840, - - - - -	166,802 90
The amount of arrears of taxes for 1837, - - - - -	10 00
The amount of arrears of taxes for 1838, - - - - -	55 95
The amount of arrears of taxes for 1839, - - - - -	1,213 39
The amount of revenue advanced for 1841, - - - - -	818 70
The amount paid by purchasers of lots in Indianapolis, - - - - -	3,609 93
The amount paid by administrators of estates without known heirs, - - - - -	258 19
The amount paid for sale of public property, and receipts of perquisites of Secretary's office, (incidental receipts,) - - - - -	97 78
The amount refunded by borrowers of general revenue as Treasury loans refunded, - - - - -	1,152 31
The amount paid by borrowers of general revenue, (Treasury loans) as interest on said loans, - - - - -	368 60
The amount paid by purchasers of mortgaged lands, sold for loans of general revenue, (Treasury loans,) - - - - -	3,710 75
The amount paid by commissioners of University townships of Gibson and Monroe, - - - - -	2,894 89
The amount refunded by borrowers of University fund, - - - - -	4,055 04
The amount paid by borrowers of University fund as interest on loans, - - - - -	4,665 59
The amount paid by purchasers of mortgaged lands sold for loans of University fund, - - - - -	1,044 09
The amount paid by commissioners of saline lands, - - - - -	1,235 15
The amount paid by borrowers of saline fund as loans refunded, - - - - -	1,295 00
The amount of interest paid by borrowers for loans of saline fund, - - - - -	2,244 47
The amount of sales of mortgaged lands for saline funds loaned, - - - - -	826 16
The amount of interest paid by borrowers of Indianapolis fund, for loans, - - - - -	39 14
The amount paid by common school fund, derived from bank dividends, - - - - -	27,061 51
The amount paid to fund commissioners in issue of Treasury notes, - - - - -	164,000 00
The amount paid on account of internal improvement, - - - - -	54,956 45
	<u>\$451,637 22</u>

### GENERAL DISBURSEMENTS.

By audited warrants drawn on the Treasury from the 31st of October, 1840, to 31st of October, 1841, -	\$421,874 15
By warrants No. 4,087, \$7,86. No. — \$2,00 and No. — \$2,00 outstanding on 31st October, 1841, - - -	11 86
	<u>421,862 29</u>

Balance remaining in the Treasury October 31st, 1841, \$29,774 93

### ITEMS OF EXPENDITURE.

Revenue for 1838, refunded to collectors, - - -	\$19 31
Revenue for 1839, refunded to collectors, - - -	237 03
Revenue for 1840, refunded to collectors, - - -	432 90
Public printing and distributing laws, - - -	11,574 56
Stationery for State, - - - - -	1,301 72
Indiana Legislature, - - - - -	38,092 59
Salaries of executive officers, - - - - -	3,559 55
Salaries of prosecuting attorneys, - - - - -	1,632 91
Supreme and circuit judges, - - - - -	15,432 88
Probate judges, - - - - -	3,939 00
Adjutant and quarter-master generals, - - -	150 00
Expenses and repairs of State House, - - -	2,378 01
State Library, - - - - -	562 07
Indiana State Prison, - - - - -	1,655 23
Specific appropriations, - - - - -	8,528 03
Contingent fund for Governor, - - - - -	823 61
Wolf-scalp certificates, - - - - -	10 00
Electors and Marshals, &c. of Presidential Election, -	659 40
Seat of Government, - - - - -	200 29
Militia fines distributed, - - - - -	7 00
Expenses of saline fund, - - - - -	382 84
Loans of saline fund, - - - - -	1,675 00
Mortgaged lands to saline fund, unsold for want of bidders, - - - - -	579 41
Loans of funds of State University, - - - - -	1,250 00
Expenses of University, - - - - -	5,146 90
Mortgaged lands to University fund, unsold for want of bidders, - - - - -	1,095 84
Mortgaged lands to Treasury fund, unsold for want of bidders, - - - - -	3,245 65
School money refunded, - - - - -	118 75
Internal improvements, - - - - -	165,079 83
Treasury notes paid to commissioners, - - -	152,103 84

Total, audited within the year ending Oct. 31, 1841, \$421,874 15



From the foregoing statements it would seem that the balance in the Treasury at the close of the financial year 1841, is - - - - \$29,774 93

But this balance is subject to the following reductions—the amounts having been all carried to the credit of general revenue account:

Balance of University fund, - - -	\$6,418 48
Balance of saline fund, - - -	4,924 20
Balance of fund of estates without heirs, -	1,402 39
Balance of county seminary fund, -	494 40
Common school fund, derived from bank dividends, - - - -	9,463 50
Outstanding claims for salaries not presented for payment but due October 31, 1841, - - - -	12,000 00
	<hr/>
	34,702 97
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	\$4,928 04

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